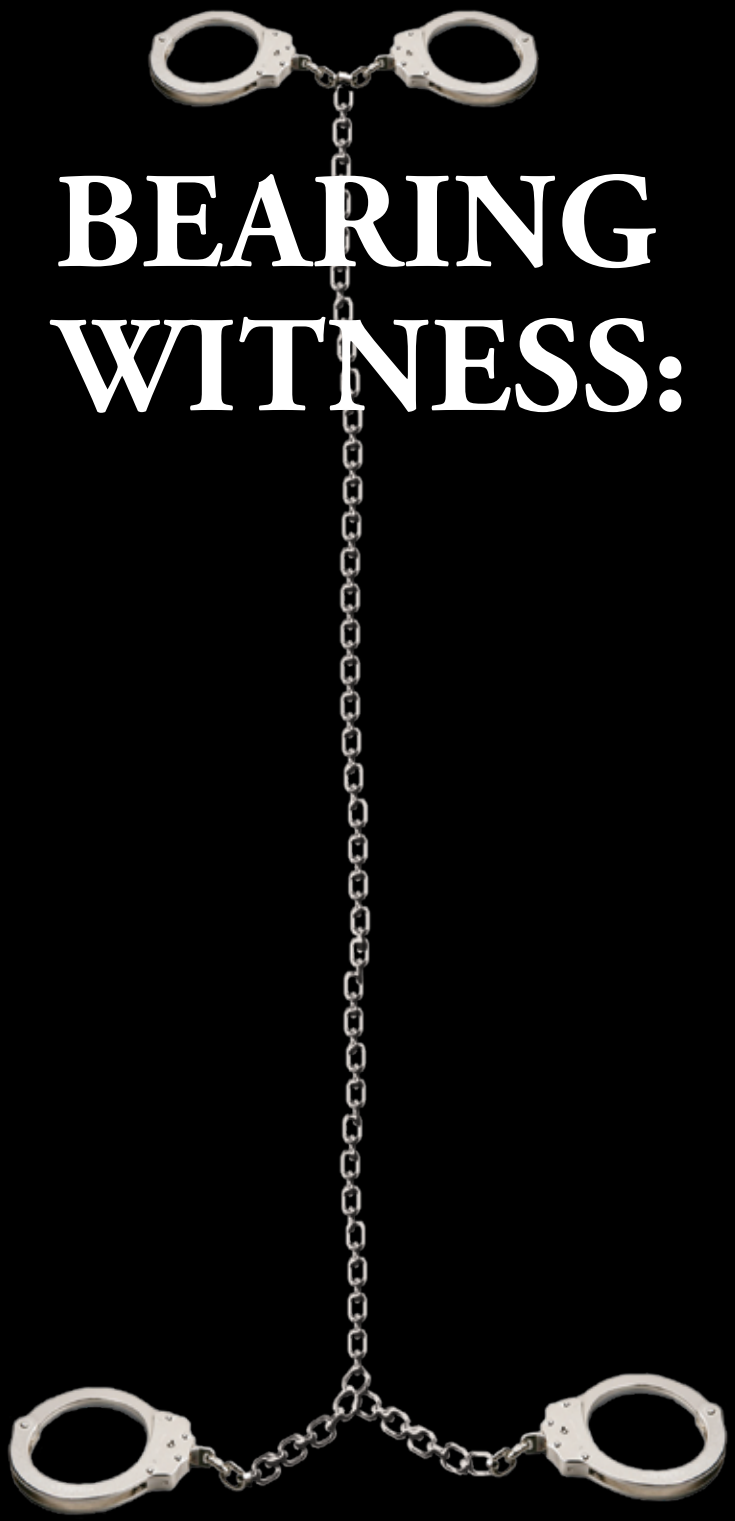


# BEARING WITNESS:

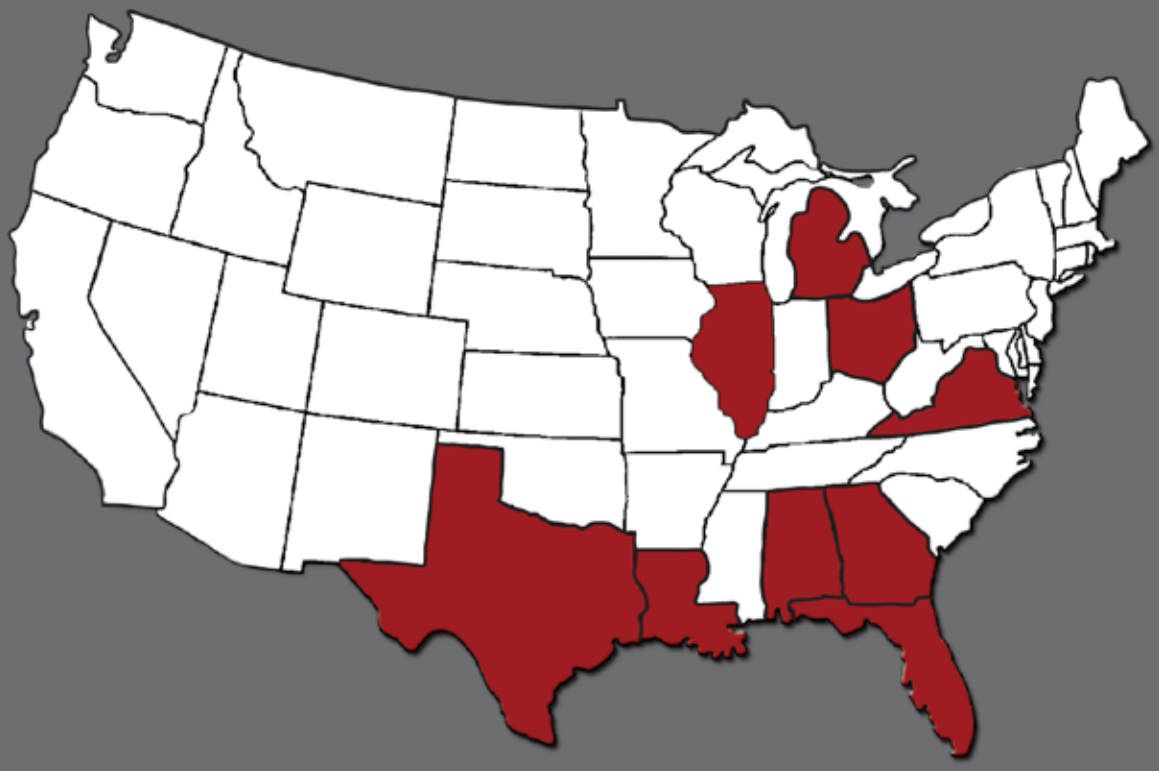
# A NATION IN CHAINS

**A REPORT**
of the
**SAMUEL DEWITT PROCTOR CONFERENCE**

Findings from Nine Statewide
**JUSTICE COMMISSION HEARINGS**
on
**MASS INCARCERATION**

SAMUEL DEWITT PROCTOR
CONFERENCE, INC.

*The Social Justice Network*



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# FORWARD

Over the past three years I have been working closely with the Samuel DeWitt Proctor Conference (SDPC), an interdenominational faith-based organization of clergy and lay leaders. Over and over, I have found myself inspired by SDPC's prophetic commitment to speak truth to power. Its latest report, ***Bearing Witness: A Nation in Chains***, is a profound indictment of the criminal justice system and mass incarceration in the United States. It includes the testimony of experts and officials from nine states, as well as critically important data, findings, and recommendations. But most important, it lifts up the voices of those who have been locked up, locked out, and left behind— those deemed unworthy of our care, compassion and concern.

During the past 40 years, millions of people have been locked in cages and stripped of basic civil and human rights— the very rights supposedly won in the Civil Rights Movement. A blatantly biased and unspeakably cruel "War on Drugs" combined with a "get tough" movement, has resulted in millions being treated as disposable and entire generations lost in many urban communities.

Unfortunately, many of us, including people of faith, have remained quiet for too long. Much of the silence is rooted in ignorance about the true nature of mass incarceration. But some of the silence can be traced to a lack of courage— a lack of moral courage— as well as a lack of clarity regarding what our moral and spiritual commitments require of us.

I remember, nearly 15 years ago, working as a civil rights lawyer and attempting to challenge mass incarceration in our courtrooms and halls of power. I called a number of faith leaders to a meeting about racial profiling and the drug war and left disappointed with how few were willing to speak out publicly about the crisis at hand. Everyone agreed that the skyrocketing rates of Black incarceration were horrifying, but few were motivated to take action. Some faith leaders worried that they might be viewed as sympathetic to criminals, a perception they feared would damage their position or image in the community. Others were concerned about "hurting" a Black mayor or Black police chief if they spoke out about racial profiling or abusive police tactics; others felt that the "answer" to mass incarceration was education and therefore it was not necessary to condemn the rising prison industrial-complex. Still others were convinced that the "real problem" was the disintegration of the Black family, failing to grasp that the drug war itself was decimating Black families— destroying them— even though Black people are no more likely to use or sell illegal drugs

than whites. More than a few said they couldn't speak out against the drug war, when so much drug-related violence was plaguing our communities— not realizing that the drug war has never been aimed primarily at violent offenders, and little hope exists for addressing violence in a meaningful way when billions are being invested in a literal war on the very communities we're supposedly trying to save.

After I left that meeting, I found myself reflecting on the fact that no one in the room, including me, had talked about the moral or spiritual dimensions of mass incarceration. I was in a room filled with faith leaders who cared enough to show up to a meeting about the crisis, and yet no one suggested that there might be something about our moral and spiritual commitments that might require a bold and courageous response. A penal system unprecedented in world history had been born in the United States— one that targeted primarily our poorest and Blackest citizens. But, somehow, the birth of mass incarceration was not understood as a moral or spiritual crisis. It was a social or political one.

The faith community has come a long way since then. And so have I. Thank God.

Across the country, people of faith and conscience are waking up to the magnitude of the harm that has been inflicted by the War on Drugs and the "get tough" movement. We are beginning to acknowledge that our collective silence about the moral dimension of this crisis has made us complicit. Study groups, action committees, and coalitions are forming from coast-to-coast led by people of faith and conscience who are raising their prophetic voices and acting with courage, emboldened by the conviction that anything less threatens the future of generations to come.

Among the brightest lights in this emerging movement is the Samuel DeWitt Proctor Conference. ***Bearing Witness*** is an excellent resource for faith communities, advocacy groups, and all those who are willing to speak with courage and work for justice. As this report makes obvious, the truth about mass incarceration is ugly and inconvenient. But if we turn away or imagine this is not our concern, millions more will be lost to this system on our watch.

***Bearing Witness*** comes to us at a critical moment in our nation's history. A movement to end mass incarceration is being born at precisely the same moment that politicians across the political spectrum are beginning to wonder aloud whether our prison building mania has gone too far, and whether harsh drug sentences and legal discrimination against people with criminal records may be causing more problems than they solve. The fiscal crisis afflicting states large and small has led to a growing awareness that it is not possible to maintain this massive carceral state without raising taxes on the predominately white middle class. Some states have even begun downsizing prisons somewhat, primarily by reforming their drug laws.

We have, therefore, an important opportunity to challenge mass incarceration and the new caste-like system that has been created. But we must be sure to do the right thing for the right reasons. Our collective action must be rooted in a commitment to compassion, fairness and dignity for all. We must be driven by a determination to break, once and for

all, our nation's habit of creating massive systems of racial and social control. And we must resist the temptation to push questions of race, poverty, justice, and morality to the side in an effort to reach consensus about what makes "fiscal sense."

As long as poor people of color are viewed as largely disposable, with the only limiting principle being how much it costs to throw them away, caste-like systems will be a recurring feature of American life. The fundamental problem lies in the nature of the system itself, not the cost. The only way to dismantle the system of mass incarceration is by building a broad coalition of Americans unwilling to accept it at any price.

The time has come for a bold, inspired human rights movement to end mass incarceration in the United States. We owe the Samuel DeWitt Proctor Conference a deep debt of gratitude for helping us to bear witness to what our nation has done, and for pointing the way toward genuine transformation. Our work has only just begun, and the task may seem overwhelming. But as Rev. Martin Luther King, Jr. reminded us decades ago, it is not necessary to see the whole staircase; we need only be willing to take the next step. Future generations depend on us being willing to do more than just read a report or to decry the state of affairs. They need us to act. They need us to work for justice. And they need us to do it now.

***Michelle Alexander***

Photo: © Photographerlondon | Dreamstime.com

# A MESSAGE FROM THE GENERAL SECRETARY:

Dear Friend,

Fourteen months ago, the Samuel DeWitt Proctor Conference (SDPC) set out to hear and document representative voices, experiences and perspectives of those most deeply entangled and impacted by America's criminal justice system. We sought to provide a process whereby individual stories of those largely unheard before could be captured and woven into a meta-narrative on the impact of the criminal justice system and mass incarceration upon them and the life of their families and communities— formerly incarcerated persons; persons who have been detained and imprisoned unfairly; persons most likely to get swept into the system; and, persons who work and advocate on the ground, and too often in isolation. ***Bearing Witness: A Nation in Chains*** is the culminating report of the SDPC Justice Commission Hearings to date.

Collaborating with local partners, SDPC coordinated and hosted 12 hearings in ten cities in nine states. These partners helped us to identify and reach out to a diverse group of esteemed people who were willing to serve as SDPC Commissioners and guide the hearings within their states. These partners likewise, helped us identify and secure participation of those whose stories have become our collective stories in ***Bearing Witness: A Nation in Chains.***

In a real sense, ***Bearing Witness: A Nation in Chains*** is an ethnographic biography, giving voice to and revealing the underbelly of a surreptitious and sinister system that is destroying (eroding) African American families and communities. ***Bearing Witness: A Nation in Chains*** is largely from the perspective of African Americans who bear the brunt of the pain and collateral consequences of the War on Drugs, mass incarceration and an unfair criminal justice system. However, the findings of ***Bearing Witness: A Nation in Chains*** are equally relevant to the way in which other people of color, largely Hispanics, and poor people, in general, are unfairly and inhumanely treated by a system that holds little regard for those without financial resources to defend themselves from and within the system.

***Bearing Witness: A Nation in Chains*** is a summary narrative of human stories. It is synthesized as the truths, findings and recommendations of those who represent the many who have been devastated by legacy systems of racism and class bias, now reinvented in what Michelle Alexander so aptly describes as the *"New Jim Crow – Mass Incarceration in the Age of Colorblindness."*

***Bearing Witness: A Nation in Chains*** is a report to the nation because America's unfulfilled promises of a democracy cannot be realized without addressing the realities of mass incarceration and what is happening in the nation's prisons. ***Bearing Witness: A Nation in Chains*** is a report to and for the nation because America can never be either a moral nation or an economically competitive leader in the world if it allows for the human capital it needs to languish in isolated communities of despair and behind prison bars.

In this process of effecting the SDPC Justice Hearing Commissions, we have amassed some 69 hours of video and 2,591 pages of transcripted testimony. ***Bearing Witness: A Nation in Chains*** is just the first fruit of this labor and call to America's consciousness and conscience. It is appropriate that ***Bearing Witness: A Nation in Chains*** is published as we commemorate the 45th anniversary of the United Nations Declaration of Human Rights.

The mission of the Samuel DeWitt Proctor Conference is to nurture, sustain, and mobilize the African American faith community in collaboration with civic, corporate, and philanthropic leaders to address critical needs of human and social justice within local, national, and global communities. SDPC seeks to strengthen the individual and collective capacity of thought leaders and activists in the church, academy and community through education, advocacy and activism.

In fulfilling that mission in the midst of mass incarceration in the United States, we cannot be silent. The words of theologian James Cone speak to the Black Church and all of America.

> *"Where is the gospel of Jesus' cross revealed today? The lynching of Black America is taking place in the criminal justice system… That is why the term "legal lynching" is still relevant today. One can lynch a person without a rope or tree… The cross of Jesus and the lynching tree of black victims… are two symbols or images closely linked to Jesus' spiritual meaning for black and white...'Christian America'."* [1]

It is our fervent hope and prayer that ***Bearing Witness: A Nation in Chains*** will serve as another call to radical actions of our collective resolve and efforts to transform a very broken, racialized and inhumane criminal justice system. It begins with a dose of truth and values shift about what is happening on our watch:

> This nation needs a paradigm shift in its understanding of what is happening in a "democracy" that is undergirded by a system of mass incarceration, the human rights violations that are occurring and the possibilities for alternative ways of maintaining an effective and modern criminal justice system in a civil human society, one based on foundational principles of restorative justice and rehabilitation.
>
> Those of us who earnestly engage in this work to transform the criminal justice system must forge an operational shift, breaking us out of the narrow silos in which we operate, creating new networks of cooperative and collective movement building.

1 James Cone, *The Cross and The Lynching Tree*. pgs. 163-165.

The specific recommendations embodied in this report and which flow from the minds and hearts of those on the ground should seriously frame and guide our strategic effort at policy reform and system transformation.

Sign on to this report and pass it on to others in your networks. Let there be not one who says *"I did not know."*

There are many people to be thanked and acknowledged for making this project possible. A very special thanks to Tiauna Boyd and Rev. Carl Lowery, SDPC team members who made it happen, state by state. The contributions of Dr. Joann Horton, Rev. Susan Smith and Rhoda McKinney-Jones were invaluable in helping to distill the voluminous transcripts into a workable document and narrative. The editing team of Herbert Allen, Tanay Harris and Christopher Wells did what all good editors do— force you to think more deeply and express more succinctly the meaning behind the meaning for the audiences you seek to reach. My deepest gratitude to Benita Lovett-Rivera for the creative energy and design layout that she poured into ***Bearing Witness: A Nation in Chains*** and to LaRita Logan and Darnell Carruthers for the tenacity of purpose to view hours of video to align our transcript excerpts with video clips. This is just the beginning of our next steps to share the full stories of the many who testified. Without our local partners, those who served as Commissioners and those who testified, our foundation partners, the Ford Foundation and Open Society Foundations, this would not have been possible.

I extend deep gratitude and respect to Michelle Alexander whose scholarship and collaboration inspired me and SDPC.

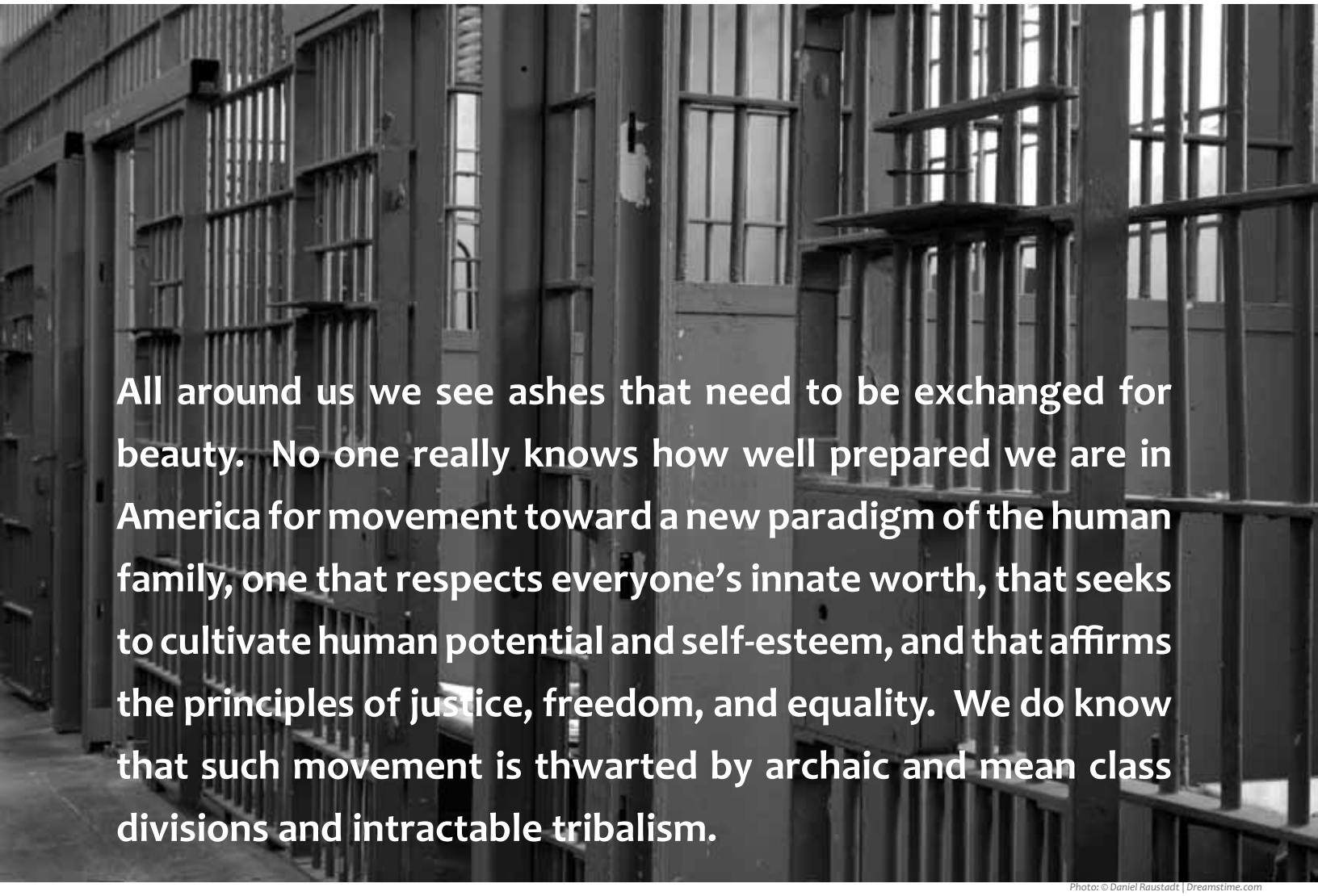
In closing, I offer my unending thankfulness to the SDPC Board of Trustees for their support, and to God who allows me to continue this work and journey for justice.

***Iva E. Carruthers, Ph.D.***

General Secretary
Samuel DeWitt Proctor Conference

December 10, 2013

*(Penned on the 65th commemoration of the United Nations Declaration of Human Rights.)*



**All around us we see ashes that need to be exchanged for beauty. No one really knows how well prepared we are in America for movement toward a new paradigm of the human family, one that respects everyone's innate worth, that seeks to cultivate human potential and self-esteem, and that affirms the principles of justice, freedom, and equality. We do know that such movement is thwarted by archaic and mean class divisions and intractable tribalism.**

*Photo: © Daniel Raustadt | Dreamstime.com*

***- Rev. Dr. Samuel DeWitt Proctor***

"Beauty for Ashes," *The Substance of Things Hoped For,* New York: G. P. Putman's Sons, 1995, p. 230

# EXECUTIVE SUMMARY

There are over one million African Americans (men) in United States prisons. The U.S. represents 5% of the world's population, yet holds 25% of the world's incarcerated. This would suggest that African American people who represent about 5.8% of the world's population find themselves representing 12.5% of the world's incarcerated. This portends bad news for people of African ancestry, at home and abroad, sending a global signal about the criminalization of African Americans, especially African American males.

The analysis of Michelle Alexander's book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness,*[2] has profoundly framed and ignited much conversation and exploration of this issue. Thought leaders, policy makers, advocates and activists from different points of view, professional perspectives, geographical areas and motivations have weighed in on the issues of the U.S. criminal justice system and mass incarceration, most with a focused and specific issue as their points of analysis. The reports and understandings, along with engaged networks of action, which have emerged have been very impactful. They have also been responsible for significant policy shifts at state and national levels.

People of faith and goodwill are likewise compelled to examine what underlies such disproportionate incarceration of any such group with the intent of impacting the ethical and principled case for transforming the system. The Samuel DeWitt Proctor Conference (SDPC), is uniquely positioned to undertake this task, integrate experiences and views from the ground, in a multi-issue context, connecting the dots for a more comprehensive and incisive view of the ethical and living consequences of mass incarceration in America.

In its ongoing work to secure social justice for those most marginalized in our society, "the least of these," SDPC recently conducted a series of nine statewide hearings on the issue of mass incarceration. Seeking to uncover the myriad of problems associated with this phenomenon, SDPC sought out lawmakers, social workers, health care providers, attorneys, heads of non-profits that work on this issue, students, theologians, children of incarcerated and ex-offenders, to give life and definition to an issue which, unfortunately, far too many individuals in this nation simply feel they can ignore. As an organization grounded in the prophetic tradition of the African American church, to ignore this far reaching human issue is to betray the call for justice that is at the heart of the Christian tradition.

Over the last 15 months, in collaboration with leaders addressing this issue from community based, academic and faith organizations, SDPC has hosted Justice Hearings in nine states: Alabama, Florida, Georgia, Illinois, Louisiana, Michigan, Ohio, Texas, and Virginia.

> *"In Germany, the Nazis first came for the communists, and I didn't speak up because I wasn't a communist.*
>
> *Then they came for the Jews, and I didn't speak up because I wasn't a Jew.*
>
> *Then they came for the Trade Unionists, and I didn't speak up because I wasn't a Trade Unionist.*
>
> *Then they came for the Catholics, but I didn't speak up because I was a Protestant.*
>
> *Then they came for me, and by that time there was no one left to speak for me."*
>
> **- REV. MARTIN NIEMÖLLER**

2 Michelle Alexander. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* New York: The New Press. 2010.

*"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."*

**- DR. MARTIN LUTHER KING**
*Letter from Birmingham Jail*

The goal of these justice hearings was to listen and document recommendations from those who have in fact been caught in the system, and from those who work in the area of mass incarceration to uncover their perspectives and issues of concern, and to present those findings and recommendations to people, including lawmakers, politicians, faith leaders, and others. SDPC took on this task in an effort to stem the tide of mass incarceration and help create a "beloved community"[3] where no person is demonized or criminalized, especially on the basis of his or her color and/or socioeconomic status or religious affiliation.

These hearings included participation of 105 Commissioners hearing the perspectives of 119 Testifiers. The hearings have been wholly videotaped and transcribed. In addition to this report, state specific profiles and other educational and social media outputs are forthcoming to build upon the collective impact towards reforming and transforming the criminal justice system in America.

SDPC's findings from the hearings indicate that the issue of mass incarceration and its attendant collateral consequences are human rights violations of immense proportions. Testimonies in the hearings found that individuals caught in the system, a large percentage of whom committed non-violent offenses, have suffered and continue to suffer a serious abrogation of their rights as human beings. The testimonies also revealed that the justice system has been seriously compromised as the privatization of prisons becomes more entrenched as a market and industry and as an acceptable system through which to detain or punish those suspected or convicted of a crime. This market and industry push for profit means that there are even more incentives and targeted efforts to keep the beds in prisons filled, rather than seek ways to bring people back to community and to worthwhile, productive lives.

The findings contained in this report will show that mass incarceration and the War on Drugs, conjoin as a human rights issue. This has adversely and disproportionately affected people of color, specifically Black males, and has also profoundly and negatively affected their families and overall communities. The War on Drugs has not abated the presence of drugs in poor and Black communities, but has been, rather, a war on people least able to protect and defend themselves from a racially and class biased culture and criminal justice system.

Further, privatization of prisons has created substantial profits for investors and has become a substantial market within the U. S. economy, creating and sustaining pre-incarceration, incarceration and post-incarceration businesses and industries. Small towns and rural communities, where prisons continue to be strategically located, have especially benefitted economically from incarceration of people of color and poor people, often affording a few individuals access to the power to abuse the criminal justice system for their personal interests and financial gains.

The convergence of all these realities and trends has created an underclass, which is growing, and a culture of children who grow up disenchanted, dispossessed and disregarded— which contributes to a large degree to them ending up in "the system" as well. The testimonies from the hearings also revealed that those caught in "the system,"

3 This notion of a "beloved community," as expressed by Rev. Dr. Martin Luther King, was a vision of a world where reconciled relationships, justice and love would prevail and where all persons could attain their full human potential.

See Martin L. King, *Where Do We Go From Here: Chaos or Community and Strength to Love.*

and those who merely live in high-risk areas, neighborhoods where police are more likely to round up people who have been demonized, criminalized, and marginalized. While the criminalization of Black people is not a new phenomenon, the War on Drugs has seemingly fed into it— spurred by a political climate in which "tough on crime" rhetoric has been an impetus for politicians seeking to expand and energize their political bases. The "War on Drugs" has become a euphemism for "get the bad people off the streets." To be a strong candidate, a politician has to be "tough on law and order," which, again, according to findings uncovered in these hearings, creates a narrative that Black males, most specifically, are the root cause of America's crime.

***Recurrent findings of the state commissions are:***

- Mass incarceration is largely an intentional system of racialized control
- Mass incarceration is highly correlated with poverty
- Mass incarceration has an abysmal effect on family life and structures in Black communities
- Mass incarceration causes a plethora of collateral consequences which prove to be devastating and annihilating for young people, seriously hampering and compromising their life opportunities
- Mass incarceration feeds directly into, and is a major cause of the recognized "school-to-prison pipeline"
- Mass incarceration dehumanizes and demonizes people of color in general, and specifically, the formerly incarcerated
- Mass incarceration is becoming more and more unjust as it becomes a significant part of the privatization movement of public services and the creation of a profit-driven industry
- Mass incarceration is negatively impacting America's overall human potential.

*As one testifier,* **YUSEF SHAKUR** *said,*

***"Incarceration... has eliminated us from being human beings."***

- MICHIGAN

SDPC found supporting evidence to author Michelle Alexander's position that mass incarceration is in fact "the New Jim Crow," recreating a system of modern-day enslavement. This "New Jim Crow" system leaves little room for opportunity, hope and the successful re-entry of formerly incarcerated persons into the society.

It is apparent from these hearings that the system of mass incarceration in the U.S. is replete with human rights violations by standards of the U.S. Constitution[4] and the United Nations international standards of conduct.[5] These standards speak specifically to protection from unjust punishment, torture and the basic human rights that should be respected, even while imprisoned.

4 United States Constitution, Eight Amendment.

5 United Nations Universal Declaration of Human Rights, 1948 and United Nations Basic Principles for the Treatment of Prisoners, General Assembly Resolution 45/111, 1990.

**JANE RAMSEY,** *former Executive Director of the Jewish Council on Urban Affairs testified:* ***"In Chicago, Illinois and across the United States, we routinely and grossly violate the Universal Declaration of Human Rights."***

- ILLINOIS

***SDPC approached this work with four basic assumptions:***

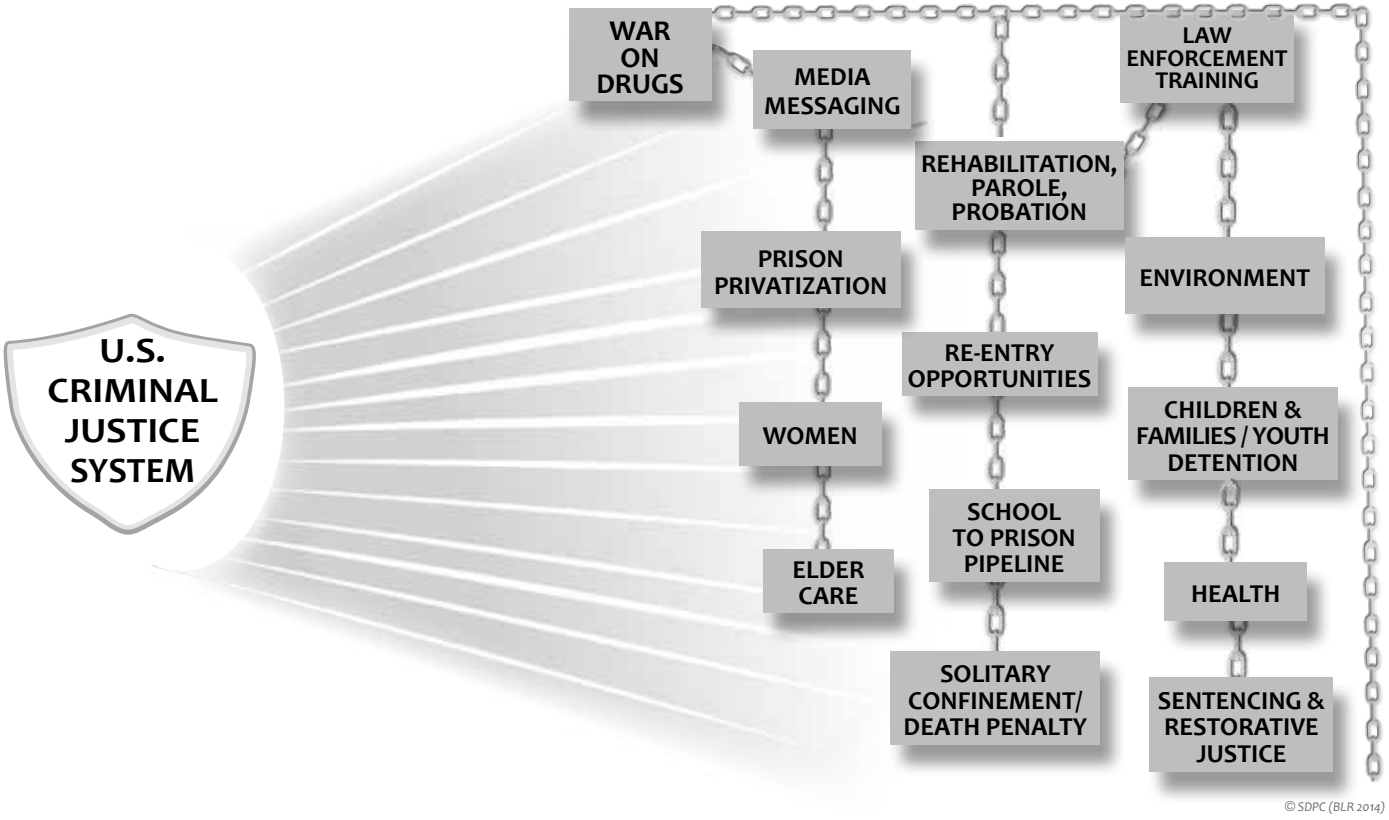
- an unfair and inequitable criminal justice system undermines the principles of a democracy
- there is worth in all human beings, including those behind bars
- complicity in the dehumanization of others diminishes one's own humanity
- people of faith and goodwill must use their voices and agency to address that which we know to be unrighteous and wrong by standards of that which is sacred and that which is civil.

**In response to all we heard and know, the faith community can do no less than embrace and propel a human rights framework in its witness around these issues.**

It is the hope that those reading this report will be moved to help correct the injustices that are occurring within the American justice system, and to thereby demonstrate that this nation, which is concerned about human rights of people in other nations around the world, is equally concerned about the human rights violations which are happening at home.

# THE KEY FINDINGS AND RECOMMENDATIONS

## MASS INCARCERATION AND RACISM:
*Historic & Modern Jim Crow*

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*"The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and the critic, and never its tool... If the church does not recapture its prophetic zeal, it will become an irrelevant social club without moral or spiritual authority."*

**- DR. MARTIN L. KING, JR.**

# THE WAR ON DRUGS

*" ... you have to face the fact that the whole problem is really the Blacks. The key is to devise a system that recognizes this, while not appearing to."*

**- President Richard Nixon, 1971.**
*H .R. Haldeman Diary*, pg. 53;
Nixon White House Chief of Staff, 1969-73

***The Criminal Justice system in Illinois is "fueled by a failed federal war on drugs and has deployed a plantation-style work system where inmates, essentially... provide free or cheap labor for the state of corporate America."***

**- SEQUANE LAWRENCE,** ILLINOIS

## FINDINGS

The War on Drugs has fueled Mass Incarceration and the prison industrial complex. Over the past 42 years, despite the expenditure of over one trillion tax dollars and 45 million drug arrests, the War on Drugs has not reduced the availability, sale, or use of drugs in the United States. The War on Drugs has resulted in an increase in the prison population, disproportionately impacting African Americans and other people of color, and with no decrease in the availability, sale or use of drugs. The War on Drugs has served to frame a political "get tough policy" that only seems to further perpetuate the demonization and criminalization of people of color and poor people.

**Joyce Strickland,** *of Mothers Against Teen Violence (MATV) testified to the Commission that:* ***"arresting people, confiscating property without due process, caging human beings... none of these strategies has been shown to have an impact on the supply of drugs or the demand for drugs."***

- TEXAS

## RECOMMENDATIONS

- The War on Drugs, an official program of the U.S. Department of Justice (DOJ), must be declared a public failure and waste of tax dollars, leading to mass incarceration in the United States and America's designation as the nation with the highest rate of incarceration in the world.
- The recalibration and refocusing of evidenced based policies and practices related to crime reduction and health based drug distribution and use in the United States must be the priority.
- The billions of dollars and resources that law enforcement expends on the War on Drugs should be re-invested in working collaboratively and affirmatively to develop and fund successful preventative and supportive programs to build educational and recreational programs, increase community safety and public health programs and address the prevention and solving of serious and violent crimes.

# PROFITEERING WITHIN

## FINDINGS

The growth of the prison industrial complex must be understood in relationship to the privatization of prisons and the establishment of an entrenched market industry that perpetuates its self-interest based on the drive for profit, job security and production of goods and services by prison labor. This industry is now grounded in the growth and development of:

- a wide range of related business services (e.g. bail bond, telephone, food);
- labor pools (union and non-union prison guards);
- federal, state and municipal reward systems based on incarceration rates (e.g. civil asset forfeiture and law enforcement federal grants policies); and
- co-optation of not-for-profit/philanthropic support for formerly incarcerated persons, their children and families (e.g. the creation of profit driven food pantries).

Prisons are built in rural areas to boost local economies.
**Dr. Kathleen Glover,** *a physician who works in prisons, said of one in which she worked,*

***"I felt the young men were essentially on a plantation. It is a system of desperation."***
- Ohio

## RECOMMENDATIONS

- Expanding the privatization of prisons should be halted. They are not compatible with a free and democratic society. They serve the interests of and are motivated by profit for their financial stakeholders.
- Small town rural communities' financial and voting benefits that accrue from the incarceration of Black and poor people require far more public oversight than is presently being provided.
- To ensure that prisoners are not exploited for their labor, are treated with standards of humane imprisonment and do not have their rights abridged by the self-interests of those who benefit and profit by virtue of contracts, industries and jobs which are linked to private prisons, far greater public authority and oversight are required in private prisons in the United States.
- Government and state forms of complicity in privatization, e.g. arbitrary threat and use of civil asset forfeiture laws, should also be monitored so as not to shape the character, priorities or policies of the United States penal system.

**LUCRETIA DOYLE, who was the child of an incarcerated mother, reports being able to email but each email costs five cents.**
- GEORGIA

***"The Correction Corporation of America with assets totaling in the billions, is the second largest prison privatization company in the United States. The Corporation has submitted a proposal to 48 state governors to purchase the state prisons with the requirements that the prisons stay 90% full for at least 20 years. The private prison industry spends millions of dollars every year to lobby lawmakers for laws that keep those prison beds full. That means harsher sentences and that means new crimes… The for-profit industry is driving the war on drugs and is driving the increasing numbers of prison beds. There is no incentive to work on reducing recidivism or promoting rehabilitation."***
**- REBECCA ROBERTSON,**
- TEXAS

# REHABILITATION

Photo: © Cook County Sheriff's Department, 2011

## FINDINGS

The U.S. criminal justice system is fundamentally designed and implemented as a non-rehabilitative system, one that perpetuates recidivism.

## RECOMMENDATIONS

- The U.S. criminal justice system needs a fundamental shift away from a punitive and profit-making model to one that is grounded in 21st century principles of human rights and the values associated with a practice of rehabilitation and restorative justice.
- From the point of detention until release, the criminal justice system needs to focus on rehabilitative and restorative treatments; opportunities that help prepare incarcerated persons for positive re-integration into their families and communities, especially educational programs for those interested to take advantage of such opportunities.
- Successful models of diversion in sentencing should be replicated, funded and implemented.
- Treatment programs must recognize that substance abuse as a form of addiction requires medical, psychological and spiritual interventions.

Photo: © SDPC

*Mr. Yusef Shakur is shown here providing testimony at the Justice Commission Hearing held in Detroit, Michigan.*

***"…I'm a product of a teenage love affair. …I ended up in a gang at the age of 13. At the age of 15 my mother made me a ward of the State. That was the only option she had to save me from myself.***

***… As a mother the only option she had to save her son was to have me incarcerated. And being incarcerated it helped somewhat, but it really didn't address the things that most of us go through; the hurt, the abuse, the neglect, the low self-esteem, the undevelopments that impact us as human beings here in America, especially in urban environments, that helps us find a criminal lifestyle as finding meaning for our lives."***

**- YUSEF SHAKUR**
MICHIGAN

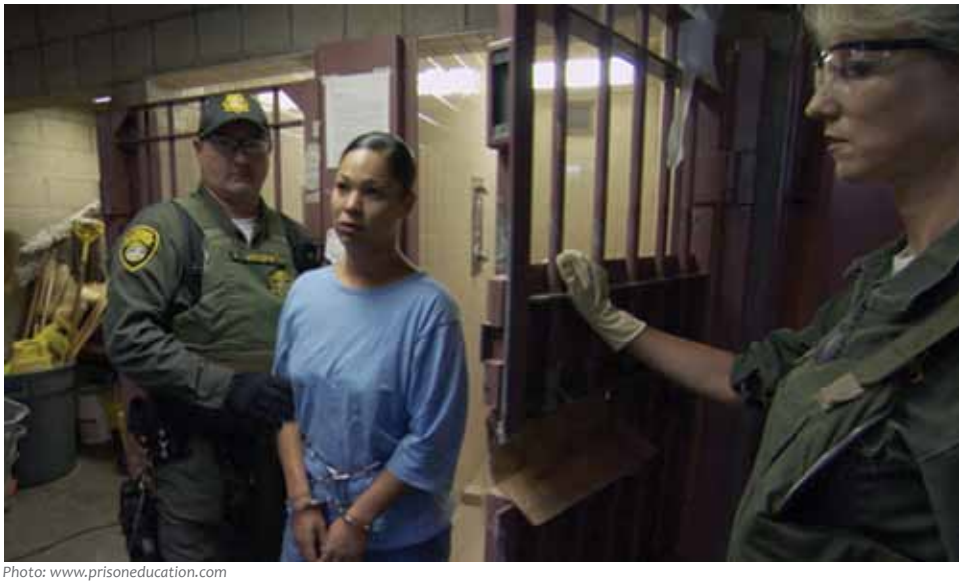

Photo: www.prisoneducation.com

# WOMEN

## FINDINGS

The issues related to incarceration of women warrant a different lens. Women are often incarcerated as a result of multiple layers of male sexual and physical abuse, trauma, mental illness and external locus of control in their personal histories. Often women will override their personal values and beliefs in the commission of a crime to meet the needs of their children or demonstrate loyalty to a significant other. Women, especially those with children or who give birth in prison, require interventions and supports that are different than those provided for males.

## RECOMMENDATIONS

- Correction systems employees need intensive training on gender-informed and trauma-informed practices and care for incarcerated women.
- Sexual abuse of women in prison by abusive prison guards must not be tolerated and guards should expect to be prosecuted.
- Incarceration, rehabilitation and criminal justice interventions for women should encourage women to maintain healthy connections with their families and networks of relationships, especially those that link them to their children.
- Safe and steady housing for formerly incarcerated women should be a focus of re-entry programs in an effort to break the cycle of sexual abuse and the special vulnerability of women to engage in sexual favors as a means of securing housing and other necessities.
- Peacemaking circles in safe environments for women should be encouraged as a restorative justice practice. These circles have proven beneficial in allowing women to tell their stories of what happened to them, not what's wrong with them, and can become therapeutic models towards successful re-entry and restorative justice.

*"The children live in a culture of punishment."*

# CHILDREN AND FAMILIES

**Children who visit their parents in prison are often treated as inmates themselves, causing them extreme emotional stress.**

## FINDINGS

When individuals are incarcerated, families suffer the consequences. Much more attention needs to be placed on supporting the children of the incarcerated. Unaddressed consequences of the collateral impact upon families and communities, especially children of the incarcerated, only lead to intergenerational incarceration within families. The school-to-prison pipeline is intricately wedded to both cause and possible interventions in the process of intergenerational incarceration. A culture and system that doom and deny certain children opportunities that affirm their spirit of human worthiness and expression of their innate positive gifts will create high rates of children who are primed for the criminal justice system. The intergenerational impact of Black male incarceration in the African American community and increasing numbers of women result in more grandparents raising children, the undermining of family, community and national prosperity and devastating economic dependency upon public subsidies.

**Brenda Peters, *former assistant director of the Montgomery County Adult Probation Department, who is an adjunct professor at Central State University, and author of "The Invisible Children," said that: "One in 43 children in the United States has a parent who is incarcerated, and 1 in 5 African-American children are experiencing the loss of their parents through incarceration."***
- OHIO

## RECOMMENDATIONS

- Children of the incarcerated live in a zone of "othering" and feelings of "abandonment." They often experience rejection at home, in school, within their faith communities and among their peers. Resources are needed for the development and implementation of affirming and supportive programs that help children of the incarcerated in processing their feelings, as well as envisioning themselves as worthy and capable of success.
- Schools and faith communities must be more professionally resourced and intentional about being safe havens, not sites of ridicule, for children of the incarcerated.
- Successful "collective impact models" of coordinating and providing integrated service and support plans between public agencies that serve children of the incarcerated should be the standard of care. This requires more collaboration between agencies that are responsible for foster care, school and youth prevention and detention systems.
- Sentencing protocols in terms of where prisoners are sent should give far greater consideration to rehabilitation and sustaining family units, as well as creating more child-friendly opportunities to visit parents.

***"Born to a mother that was a prostitute and a dad that was a pimp, I have seen a lot of things that the average four or five or eight year old should have never seen.***

***As a result of that, I made a lot of mistakes."***

**- PASTOR JARVIS WASH**
FLORIDA

Photo: © Samuel DeWitt Proctor Conference

*Pastor Wash in Orlando, Florida shown providing testimony to the Justice Commission.*

Photo: © Tracy Whiteside | Dreamstime.com

*"The rush to criminalize the behavior of children and adolescents who cannot adapt within a dysfunctional system in our society is an American tragedy."*

**- EVELYN FOREMAN**
MICHIGAN

***I started smoking pot when I was seven, I was a crack head at fifteen, a heroin addict, and alcoholic. …Me, personally, I been homeless, like, in the beginning in New York. I came out of prison in '05. I've done moved twenty times.***

***…And then when I came out of prison I just started serving, and serving, and serving, so much serving that the directors and the people took notice and they called me from another state to come there to help them run the mission.***

***…And, so, I get to represent the people that are incarcerated, but I can only do so much.***

***Do I need help running the center? Yeah. Do I need funding? Of course. Do I need a car? Big time. But I– I– I do with whatever I got.***

**- MR. RODRIGUEZ**
LOUISIANA

***"The courts, in handing out sentences, do not look at how far away parents will be from their children when incarcerated. Because of the loss of their parents to the system, and the difficulty in being able to visit them, children of incarcerated have low self-esteem, depression, suffer from emotional withdrawal and inappropriate and/or disruptive behavior."***

**- BRENDA PETERS**
OHIO

# SCHOOL-TO-PRISON PIPELINE

Photo: © Zhukovsky | Dreamstime.com

*Universal standards must be established for the design and implementation of more pedagogically humane policies as alternatives to the often appalling and harmful policies and practices related to zero-tolerance, suspensions and expulsions.*

## FINDINGS

Failing schools and school environments that foster a "culture of punishment" are highly correlated with who ends up in the prison industrial complex in the United States. There are a number of policies and practices evident in schools that result in student "push out." Inadequate and inequitable school funding delimits the opportunities for success and undermines positive child development in many districts. The school-to-prison cycle results in the high probability of youth landing in the juvenile justice system or the adult criminal justice system, and going from schools to prisons. Some legislative bodies have used third grade reading scores of children to project the needed number of new prison beds.

## RECOMMENDATIONS

- District and school policies and practices related to the labeling and stigmatization of children as special education students as well as the overuse of therapeutic drugs must be reviewed, revised and monitored.
- Children who have been exposed to lead and other environmental agents should be given access to health care treatment to prevent incidences of anti-social developmental and violent behaviors.
- Investments in neighborhood recreational centers, afterschool and mentoring programs must be an alternative to investments in youth detention centers.
- Encouragement and support for parental participation to design and engage in alternative policies to counter "push out" systems of discipline and punishment are necessary.
- Life skills coaching, restorative justice, and peace circles, along with recreation, arts and humanities, are parts of the curriculum that must be included to prepare all students for 21st century citizenship and avoidance of the school-to-prison pipeline.
- All professional and paraprofessionals in the schools need cultural and age appropriate competency-based training on school discipline policy and practice. Training must include a focus on positive behavioral interventions, affirming the humanity and normative developmental needs of all students, high expectations for their achievement and respect for others.

*"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."*

*"There can be no keener revelation of a society's soul than the way in which it treats its children."*

**- PRESIDENT NELSON MANDELA**

***One young man, recalled REV. VIZION JONES, "was sent to jail for jay-walking and scratching his name on a door.***

***He was charged with criminal damage to government property– which was a felony– and was sent to prison for four years."***

- GEORGIA

Photo: © SDPC

*Reverend Vizion Jones, Commissioner of the Justice Commission in Georgia.*

*An Illinois, 8-year old girl is shown being handcuffed in school by police after they were called by school admistrators to subdue the child's tantrum. A recording of the interaction with police in the school was subsequently provided to television news reporters.*

*A 7-year old, Bronx boy is shown cuffed to a pole. NYPD was notified of a schoolyard fight over $5, and removed and arrested the child from his 3rd grade class. Upon seeing her child cuffed at the police station, the mother took the photo to demonstrate claims of abusive tactics by police and school officials.*

Photo: © Frances Mendez ( Child's Mother) I NY Post

# YOUTH DETENTION

Photo: © Hongqi Zhang | Dreamstime.com

## FINDINGS

Far too many youth are defined as "pre-delinquent" by virtue of their color and circumstance. The family and human services and criminal justice systems are structured to push such youth into the most direct path of incarceration. The school-to-prison pipeline is one avenue. But, just the acts of minor behaviors that adolescents do to test boundaries, e.g. jay walking, graffiti making, petty theft and even walking in groups, have resulted in criminal records, felony charges, and imprisonment for multiple years. Such behaviors have also initiated contact with the children and family services agencies that result in children being separated from their parents and biological extended family. In many cases, youth are held in youth detention centers and adult prisons for long periods of time, months and years, just because they have no financial means to pay bond or secure legal representation and/or the system is backlogged.

## RECOMMENDATIONS

- There must be a reversal of priorities from major investments in the building of new and more youth detention centers to investments in affirmative programs supporting positive youth development.
- To avoid those categories of being "pre-delinquent" and "at risk," youth need opportunities that put them on a trajectory of success, including experiential education, job and training programs.

# ELDER CARE

*"…I'm working with the faith communities to try and get them to go more into the prisons to visit these men and women.*

*… I can't begin to tell you how many of the elderly see no one. Absolutely no one…*

- continued on next page

## FINDINGS

The increasing population of aging and elderly persons in prisons is changing the composition and needs of those incarcerated. Elder care issues which warrant serious attention include in-house gerontological health care, humane practices associated with natural responses to the death and dying process, including hospice care, and parole or release policies related to the aged population.

## RECOMMENDATIONS

- Successful hospice training programs for inmates, including those with life terms, could be a standard to address issues related to the care of aging prison populations.
- There needs to be far more consideration of notice and transitional support to the families of formerly incarcerated persons who are released due to aging and health challenges.

## . . . ELDER CARE

*... Imagine what it must be like for someone who is in a prison system who has Alzheimer's..."*

*"Their families have abandoned them, they don't have anyone to talk to, and they are completely, absolutely alone."*

*"... Contact a hospice organization and say, we know that we have this many prisoners and we believe so many are going to be dying in the next few years. Would you be willing to do hospice programs within that prison system? ... They get paid for doing that. Medicare covers that, Medicaid covers that.*

*It's not like they're doing it out of the goodness of their heart, they are going to be compensated for it."*

**- MS. LATSON FLEMISTER**
ILLINOIS

Photo: © Audiffret | Dreamstime.com

*Photo: © Cook County Sheriff's Department, 2011*

# ENVIRONMENT

## FINDINGS

The aging facilities of many U.S. prisons are replete with environmental challenges. They range from dangers associated with exposure to asbestos and other chemicals, inadequate weatherization, heating and basic plumbing failures.

## RECOMMENDATIONS

- The cost for prison construction upgrades or construction of new facilities in alignment with a just and efficient prison management system should be prioritized in the context of the larger public policy issues which are being debated, (e.g. state deficits, privatization and the overbuilding of prisons).

- Greater oversight of facilities' conditions and management is needed to certify certain standards of operations.

# HEALTH

## FINDINGS

The level of health care for inmates in many prisons is abysmal and has become a security and safety issue.

## RECOMMENDATIONS

- Access to basic health care in prisons should be a U.S. standard.
- Mental health services must be destigmatized, sustained and accessible for all communities and especially those related to transitional needs of re-entry.
- Drug and alcohol addiction should be treated as a public and personal health issue and not a criminal justice issue in all communities, not just a privilege reserved for the wealthy.

# LAW ENFORCEMENT TRAINING

## FINDINGS

There is insufficient community and cultural awareness and connectedness between law enforcement professionals and the prison communities to which many incarcerated persons are assigned. This creates and reinforces mistrust and disrespect for the rights of incarcerated persons and the good intentions of law enforcement officers. This issue is especially exacerbated by state and federal prison(s) which are geographically removed from urban communities. Prison guards who are employed come from largely rural communities, often isolated from persons of color and whose understanding of cultural diversity is shaped by media stereotypes.

*Photo: © Americanspirit | Dreamstime.com*

## RECOMMENDATIONS

- Law enforcement officers need competency based training in cultural diversity and other disciplines specific to the system of mass incarceration, community based policing and youth behaviors.
- Law enforcement officers need competency based training in cultural diversity and other disciplines associated with the psychological and social needs of those in prison.

# SOLITARY CONFINEMENT

***"Albert Woodfox, remains in solitary and holds the highest period of staying there in American history, 41 years.***

***We just had, two weeks ago, the Human Rights Rapporteur... in the United Nations, ... declared the State of Louisiana to be engaging in torture."***

**- PROF. ALLEN BELL**
LOUISIANA

## FINDINGS

The reported use of solitary confinement in United States prisons is all too often in stark violation of international principles and conduct appropriate for human punishment. Solitary confinement has concealed torture, been used as a means of control of some persons diagnosed with mental illness and/or been executed as a process of broad punishment of a cell/unit disguised as "locked downs." Formerly incarcerated persons who have been subjected to severe, cruel and unjust punishments, that mirror torture and complete denial of one's humanity, are predictably unlikely to re-integrate well into civil society.

## RECOMMENDATIONS

- Prisons should not model, encourage and recycle brute and inhumane behavior.
- Protracted use of solitary confinement, which is defined as torture, should be banned.
- Prison protocols should not allow the use of solitary confinement as punishment for someone who has been diagnosed with a mental illness.
- All prisons and jails in the United States should abide by the United Nation's "Basic Principles for the Treatment of Prisoners."

Photo: © Cook County Sheriff's Department, 2011

*Pictured above: "'Nutraloaf,' a disciplinary meal used at the Cook County Jail, Illinois."*

***"I was allowed to shower only three times a week; each shower was seven minutes... the mentally ill individuals being held for long periods in solitary cells, the use of top of bed restraints, the use of paper restriction, the use of water restriction, and the use of food-loaf...***

***Many of these restrictions were used arbitrarily and unjustly by staff, with little oversight or review... Cell extractions... Using chemical agents... Top of bed restraints where an individual is chained to a concrete slab for hours or even days on end..."***

**- MR. PETER MARTELL**
MICHIGAN

# RE-ENTRY

## FINDINGS

The process of preparing for (the) re-entry of formerly incarcerated persons should begin at the point of conviction and involve the familial networks. High rates or recidivism and the cost related to recidivism will continue until there is a substantial paradigm shift that aligns the goal of incarceration to one of rehabilitation and restorative justice within families and communities. Given the option formerly incarcerated persons have at the point of re-entry, one or more particular communities in most cities become sites of concentration where many formerly incarcerated people live.

***WHAT'S WORKING:***

*Formerly incarcerated persons are working on rehabilitating abandoned houses.*

## RECOMMENDATIONS

- Re-entry plans for incarcerated persons should be an integral part of the incarceration experience, using a mix of rewards and punishments. Preparatory programs for re-entry should be built upon the assets and strengths of incarcerated individuals, not on their deficits.

- Policy makers and practitioners should embrace demographic and ethnographic urban policy analysis to address more effectively issues related to societal re-entry of formerly incarcerated persons. Integrated services and support must frame re-entry plans for formerly incarcerated persons.

- Drug and alcohol rehabilitation opportunities must be afforded formerly incarcerated persons; employment--not just job training programs— is needed for formerly incarcerated persons; access to educational grants, housing and food subsidies must not be categorically denied to those with felony records.

- Community residents and leaders should be encouraged and incentivized to design, facilitate and support re-entry initiatives that benefit the individual and returning community; the success of re-entry programs should be measured by rates of recidivism and improved quality of life and stabilization of the community to which the formerly incarcerated return.

- Offenders should be taught that re-entry is about themselves and the larger community in the context of restorative justice; jobs to help formerly incarcerated persons participate in rebuilding, "giving back" to the communities from which they came should be encouraged.

***"... I think that to ignore the fact that we have systemic racism in this country and not to really incorporate that as one of the basics by which we're having this discussion is disingenuous...***
***... Many of our children are treated differently not only in the schools but in the courts.***
***... That there's a monetary component to this in terms of the people who control the prison systems. I think that it's important for us to not be naive. We have been commoditized as people...***
***It's interesting that a person who is on the streets and while he is free, we say he has no value. But when his labor is free, then he can develop computer circuit boards."***

**- Former Mayor OMAR NEAL**
TUSKEGEE, AL

# FAITH COMMUNITIES

***The mental anguish of some of those incarcerated has been exacerbated by the church.***

***"Religious messages have been used to keep (women) in situations of abuse."***

**- CATHY ZAPPA**
GEORGIA

## FINDINGS

The faith community is uniquely positioned to be a voice for a fair and balanced approach to a criminal justice system; one that does not ignore the requisites for a safe and secure community nor ignore the injustices inherent in the system. Silence about a criminal justice system fraught with human rights violations and one based on a racialized and class paradigm of inequality and family destruction makes the faith community complicit in its implementation. Indeed, there are many models of success in which the faith community is addressing the causes and consequences of a mass incarceration system in the United States; however, those models are the exception and should be the norm. A clear commitment and attendant actions of the faith community to address and embrace a human rights approach to analyses, policy advocacy, ministry practices and services relative to the criminal justice system and families of the incarcerated are needed.

## RECOMMENDATIONS

- The paradigm of faith communities as "welcoming and healing communities" must be manifest in the way persons, and their families, who have been incarcerated are treated as a part of the human community. This will require many, if not most, faith communities to make a fundamental shift in how they teach, preach, reach out, support and offer their gifts to those who are "othered" or considered "the least among us."

- Faith communities should be models of safe and sacred spaces where formerly incarcerated persons can gather to lead and address the situations they confront, the causes and effects of choices they made, the organization of the criminal justice system and next steps of strategic action. Particular attention should be paid to the needs and concerns of women and how they are often abused by the treatment and messages from the faith communities.

- Faith communities should facilitate the institutionalized development of citizen advocates and system partners of oversight to ensure a more equitable and humane criminal justice system in the courts, in prisons and as related to post-release treatments and supports for rehabilitation and restorative justice.

- Faith communities are uniquely positioned to institutionalize literacy centers and mentoring programs that specifically address the educational needs of children and parents, affirming success through rites of passage.

- Faith communities are positioned to uniquely institutionalize life skills, job and entrepreneurial training programs for formerly incarcerated persons.

*"... We are able to offer fully accredited associates and bachelor's degrees in Christian Ministry free of charge to the inmates. The eligibility criteria includes a sentence with at least 20 years remaining ...*

*... we want to invest in people that will be there long enough to utilize their training and, thus, make a long-term impact on the incarcerated community.*

*In my prison I have faithful volunteers who have been coming in to minister week after week for decades. Our lifers love them and feel like they are family."*

**- MS. KRISTI MILLER**
LOUISIANA

Photo: © Janaka Dharmasena | Dreamstime.com

***"Black men are not afraid of God. They are afraid of church."***

**- ANDRE WARD,**
OHIO

*"I was committed to the California Youth Authority at the age of 14. I was sentenced to ten years in prison. I served four because I started a program in California Youth Authority... They knocked six years off of my sentence for starting this program.*

*... As a 15 or 16 year-old boy, I'm mentoring and showing 22 and 24 year-old men, grown men...*

*... We're holding a job fair at our church. We have over 30 employers and 27 resource providers... it's specifically for ex-offenders."*

**- PASTOR JARVIS WASH**
FLORIDA

*Photo: © Olgavolodina | Dreamstime.com*

# CONCLUSION

## A VIEW FROM DOWN UNDER

Whether by design or unintentionally, the information presented in this report illustrates one underlying fact: mass incarceration is a system of race-based control and consequence which has catastrophic impact on African American families and communities. Testimonies from all the state hearings heard by SDPC Commissioners had recurrent themes: the majority of those incarcerated or on death row, were Black and Brown men; the numbers of incarcerated women are steadily increasing; and Black and Brown men appear to be warehoused at phenomenal rates for non-violent offenses.

Facts and data convey one dimension of mass incarceration. The stories of pain, abuse and despair that underlie the testimonies of those impacted by the American criminal justice system expose a poignant human dimension of mass incarceration.

The War on Drugs, resulting in mass incarceration, has devastated the foundational fabric and resiliency of Black families. And the tearing of family bonds is exacerbated after incarceration when those convicted of minor drug crimes are shipped off to prisons geographically situated in distant communities that benefit from the mass incarceration of Black and Brown men and women. This cycle encroaches upon the ability of the already tattered Black family to maintain a modicum of stability.

Testimonies heard by Commissioners shed light on America's criminal justice and penal systems' policy-based practices which are now characterized as mass incarceration. The testimonies revealed and affirmed a startling and troubling reality: **mass incarceration in the U.S. is an acute but long term race-based and class-based system of differential treatment and control. It evidences this nation's human rights violations here at home while championing itself to foreign countries as protector and a model for human rights.**

There is no doubt the American justice system is broken. It is destroying the life chances of many, especially African American boys and young men.

Concomitantly, the development and growth of privately owned prison corporations have placed the nation's criminal justice and penal systems in the stronghold of a veritable Prison Industrial Complex. This Prison Industrial Complex is incentivized by profit motive to maintain and continually increase arrests for non-violent offenses to keep prisons full to justify governmental policy and spending for mass incarceration.

Investor interests in the Prison Industrial Complex, one of the fastest growing industries in the United States, are basically lobbying and seeking to co-opt law enforcement officials and lawmakers, looking for their next business opportunity. Now, private prison companies are suing states for contractual violations for low occupancy rates, fueling the mass incarceration industry. Thus, the focus is shifting to filling prison beds, not meting out justice.

Those who testified spoke of a deep-seated sense of hopelessness and despair. The message they received from their encounters with the penal and judicial systems was that Black people are not important; and Black life, including the preservation or restoration of family, is of little concern and value. More than one testifier, who had served time, referred to those in control of their lives, from prison guards to parole officers, as "they," and believed that "they" wanted to see the incarcerated remain in jail and to see them fail. And, without exception, the testifiers reported that while imprisoned, there are few incentives or resources to rehabilitate and reeducate to help facilitate release and re-entry into society.

The prescient fact is that the future of African American families and communities of color are in dire straits because of the existing environment of human rights violations. Enacted throughout this nation, these violations are birthed in a racist culture that supports a growing cycle of "Stop and Frisk," detainment, and for the unfortunate many—unwarranted arrest and incarceration.

## THE PATHWAY IN

> ***"We live in a society that practices the politics of exclusion."***
>
> **- SANDRA BARNHILL**
> TEXAS

Commissioners heard that the journey into the prison system begins when Black children are small. An inordinate number of young Black people confront a revolving door of negative conditions that will put them on the direct path of the criminal justice system. The racialization of behavior begins as early as elementary school, testifiers said. Young Black children are sent to detention centers, jail, expelled or suspended, for the slightest offenses. Children receive unjust punishment for things such as being late or missing class, scratching school property or for not saying, "Yes ma'am." Some described scenes where children were led away from school in handcuffs for offenses others in higher income communities have committed, and who are likely to only end up being sent to the principal's office.

Other children are introduced to the criminal justice system by an incarceration of a parent, leading to feelings of abandonment and shame. Without support, they often end up in prison themselves, creating a generational cycle. There are many reports of children meeting their parent for the first time when they also end up in the same prison.

## THE JOURNEY OUT

Commissioners repeatedly heard that those who have served their time and are released soon discover that mass incarceration is devastating and annihilating the opportunities for them to lead normal lives. In other words, society makes it virtually impossible for formerly

incarcerated persons to survive, once released. The denial of or restrictions to basic necessities such as access to family housing, food stamps, job and educational opportunities will predictably lead to recidivism and a self-fulfilling prophecy of criminalization, contributing to the overall despair of inmates, ex-inmates, their families and their communities.

So the question becomes, *"what do they do and how are they to live?"* Many testified that they had become victimized by their own sense of hopelessness.

While some testifiers noted the help of the faith community, specifically churches, in working with and for them, many shared that churches and other organizations, while well-intended, did little to address the collateral consequences of having been in prison. Consistently, formerly incarcerated persons shared that well-meaning organizations did not know the ineffectiveness of prison programming or the lack thereof. Too few people, they told Commissioners, come into the prison to see what is offered and what is needed. One testifier said his non-profit successfully works with employers to help train, hire and retain formerly incarcerated persons, but Commissioners heard little to make them believe that such model programs are growing or being invested in for replication.

***"They would rather see us in prison or they'd rather see us dead.***

***They want us to fail.***

***The system is set up for us to fail."***

**- MINISTER JAY JOHNSON**
GEORGIA

## TO REHABILITATE OR DEVASTATE?

**Is America interested in restoring individuals, families and communities to health and wholeness?**

*When ex-New York Police Chief Bernard Kerik was recently released from a three-year prison sentence, he was vocal about what he saw and experienced. On the Today Show he took a nickel out of his pocket and asked the show's anchor, Matt Lauer to hold it, and said it was beyond comprehension for people to be arrested for drugs equal to the weight of a nickel. Noting the purpose of prison was to rehabilitate, Kerik emphasized that he saw only destruction. He added, if anyone believed it was possible that Black youth would be better when released, they were mistaken. "If people knew what was going on in prisons, they'd be mad," said Kerik. "They'd want to do something."*[1]

Since the declared War on Drugs, America's propensity to practice punitive rather than restorative justice, encouraged by the profit motive spawned and supported by the privatization of prisons, has evidenced disastrous results for America's criminal justice system.

*Outcomes of the punitive justice system worth noting include:*
Disparities in sentencing and the use of parole, especially for non-violent drug possession have only served to increase incarceration rates, to increase the costs for imprisonment and to exacerbate the racial and class divide, having little impact on drug use or decline in violent crime.

1 http://www.today.com/news/nypd-chief-turned-inmate-kerik-prison-system-broken-8C11509923

The reports on the use of solitary confinement over long periods of time, as a management tool due to overcrowding of prisons, are especially disturbing and can only be described as torture, a violation of the U.S. Constitution and principles of Universal Human Rights.

Reports of the elderly, close to death or with imminent and terminal prognosis, being released from prison with very little prior notice to last known family members— and without health resources and support— is unconscionable.

One testifier said many of the products Americans frequently purchase with labels marked "made in China," are actually made in U.S. mainland prisons. This revelation suggests that while there are no antebellum cotton fields on which inmates work, these modern-day prisons have simply replaced plantations, depending on cheap labor to produce marketable goods. Thus, to retain that cheap labor force, prison officials simply have to keep beds filled with inmates.

The blatant and arrogant manner in which local sheriffs and judges have reportedly abused their individual power in effecting their responsibilities for the criminal justice system is egregious to civil society.

As a way to counter this punitive system, mass incarceration and recidivism, testifiers repeatedly mentioned the need for programs of restorative justice and diversion.

Restorative justice and diversion programs, practiced in other parts of the world and among other cultures, are not sufficiently embraced or practiced in America. Restorative justice identifies the importance of community and second chances, connecting those who have committed crimes and their victims with opportunities, through mediation, to seek justice and restitution. Testifiers said mandatory sentencing laws and disparate convictions are especially life damaging for young people of color and poor youth who have committed minor drug offenses, contributing to the bulging prison and youth detention populations.

Diversion programs offer alternative and non-mandatory models for sentencing individuals, reducing recidivism and restoring individuals as contributing members of families and communities. Diversion programs serve to interrupt the school push out and school-to-prison pipeline. Diversion programs have proven to not only be cost effective and fiscally sound, but demonstrate public policy that values education over incarceration, jobs over jails.

Restorative justice and diversion programs are a way to address issues of drug addiction as a health issue, not a criminal justice issue, a norm in the United States for those who can afford legal representation and treatment.

## WHERE DO WE GO FROM HERE?

### *Bearing Witness: A Nation In Chains*

The fact that the United States has the highest rate of imprisonment than any other nation in the modern world, is telling.

The collective experiences, perspectives and recommendations heard throughout the hearings are compelling. The work of reform and transformation of the U.S. criminal justice system must continue with fervent resolve. Arrests and convictions for minor drug offenses must stop. The criminalization and objectification of Black, Brown and poor people must stop. Special attention to the plight of children and youth is urgently needed. The elderly must be treated with dignity and given proper care. In general, people inside prison walls must be treated with respect. To this end, police officers, school administrators and teachers must receive cultural diversity sensitivity training to learn how to engage people of other races and be sensitive to the needs of communities of color.

The American prison and "justice" system is in need of philosophical and structural repair. It begins with the acknowledgement and the ethical courage to address the role and consequences that racism, prison privatization and profiteering play in America's system of mass incarceration. The repair requires urgent attention to: mandatory sentencing reform for minor drug offenders, educational opportunities for inmates, elderly specific inmate programming, eradication of solitary confinement practices, better inmate healthcare, treatment for the mentally ill, substantive reentry programs and retraining and retooling of law enforcement officers. This list is hardly inclusive of all that is needed.

*"What do you do when you're a formerly incarcerated person?"* one testifier asked. He continued, *"You spend 2 ½ years in prison and 10 years on probation, but for that 10 years, you are mentally incarcerated. Being mentally incarcerated is the long-term effect."*

The prevailing question becomes: How can a society flourish when brutalization of the human spirit of so many children happens on a daily basis? Children who live in despair grow up to be adults who live in despair. While the expansion of the prison population is profitable for corporations, it is a horrible testimony for a nation that prides itself on religious and moral underpinnings. When a group is criminalized while young, a problem of human demoralization is created that cannot bode well for the nation. It became evident to the Commissioners that the destruction of the human spirit caused by mass incarceration is multi-layered and deep; often hidden by lack of knowledge, pretensions of not knowing, silence and shame. Mass incarceration is used to support capitalist investors, to justify the criminalization of a certain segment of American society and the Commissioners found this more than disturbing. What they heard were not testimonies about "justice," but rather, stories about a system with attendant policies and practices of destruction upon families and communities, designed to maintain control over a segment of American society.

From the perspective of SDPC, an organization born out of the sensibilities and traditions of a people of faith, the U.S. criminal justice system has become no more than a modern-day plantation system, a continuation and proliferation of slavery. It seems too little has changed in America concerning the way it treats poor Black, and now, Brown people.

*It is important to note that the culture of criminalization and demonization is not limited to poor Black children and youth. African Americans shopping in upscale stores, clients in five-star hotels and restaurants, and residents of upper income communities are viewed with suspicion and contempt, giving social approval to subjecting a race of people to acts of harassment, racial profiling and trauma. Such racialized behavior, intentional or unintentional has profound meaning and consequences for the road ahead.*

In Georgia, which has the second largest number of people imprisoned in the country, and where criminal records cannot be expunged, one activist said, *"what's happening to Black and Brown people feels eerily yet, historically repetitive."* A local social justice activist for a facility which serves the homeless, said it feels like America still has "Black codes"— laws put in place that make life for the homeless and destitute unbearable.

> *In Georgia, it is illegal for a person to urinate on public property and, if found doing so, he or she can be arrested and held in jail for as long as 30 days. An additional Georgia law was recently passed making it possible for a person caught urinating outside to be charged as a sex offender.*

The award winning documentary, ***The House I Live In,*** which sheds light on the impact of the War on Drugs, makes a powerful statement about the systematic process of dehumanization that can occur within societies, leading up to ultimate human catastrophe and genocide. Examining the history of Nazi Germany, the film tells a cautionary tale about the current War on Drugs and mass incarceration in the U.S. It identifies the five stages of destruction that Nazi Germany went through leading to the holocaust:

1. Identification
2. Ostracism
3. Confiscation
4. Concentration
5. Annihilation

This is a significant comparison that recalls the transactional characteristics of a pogrom.

The aggregate observations of this report would affirm and suggest that mass incarceration in the United States is spiraling towards the fourth and fifth stages of this paradigm of human calamity.

## BEARING WITNESS: Call To The Church

In undertaking this process of implementing State Justice Hearings on Mass Incarceration and issuing this report, The Samuel DeWitt Proctor Conference invokes the words of Rev. Dr. Proctor, "All around us we see ashes that need to be exchanged for beauty." And we forthrightly call upon the church to bear witness against the injustice in America's system of mass incarceration.

In 2014, the participants of this process are sending a warning and clarion call to the consciousness and conscience of America to take seriously the necessity to dismantle the

system of mass incarceration and, once and for all, address the racialism and classism in the U.S. that undergirds its initiation and perpetuation. All Americans of faith and goodwill are asked to join this human rights movement grounded in the best of American articulated principles of democracy and global principles of human rights.

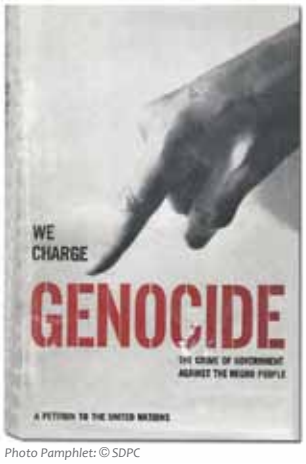

Photo Pamphlet: © SDPC

In 1951, a multi-racial and multi-faith group of ninety-three U.S. citizens took the bold step of submitting a petition to the United Nations, titled, ***"We Charge Genocide: The Crime of Government Against The Negro People."*** This group included William L. and Louise T. Patterson, Paul and Eslanda Robeson, Dr. W. E. B. DuBois and Mary Church Terrell. The spirit of their petition is worth repeating here. This report of hearings ***"...herein described are not mere words. They are facts felt on our bodies, crimes inflicted on our dignity... we warn mankind that our fate is theirs."*** Their pleas, set against the backdrop of Jim Crow and lynching, was fundamentally argued around evidence of Article 2 of the United Nations Human Rights Declaration to which the United States of America is a signatory.

## HUMAN RIGHTS DECLARATION Article 2

In the present Convention, ***genocide*** means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

***Convention on the Prevention and Punishment of the Crime of Genocide Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.***

## BASIC PRINCIPLES FOR THE TREATMENT OF PRISONERS ADOPTED AND PROCLAIMED BY GENERAL ASSEMBLY RESOLUTION 45/111 OF 14 DECEMBER 1990.

By extension and more specific to our current efforts to address mass incarceration, we can be guided by the U.N. principles on the treatment of prisoners:

**5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.**

*Blow the ram's horn trumpet in Zion! Trumpet the alarm on my holy mountain! Shake the country up!*

**Joel 1:1-3 (The Message)**

Those who testified made it clear that there is a need for an immediate transformation of the U.S. justice system, based on ethical and international human rights standards and the American Constitution. The expansion of the prison population may be profitable for private corporations, but it is a horrific testimony for a nation that prides itself on its religious and moral underpinnings. Can a nation survive with a system of mass incarceration in place and where so many are symbolically in the bowels of another slave ship called prison? Can a nation that prides itself on protecting the human rights of people all over the world ignore the cries of the suffering on its own soil?

With or without support from allies, the faith community and communities of color, must at all cost do what they can to interrupt and reverse those policies and behaviors which contribute to the five stages of destruction, humankind's inhumanity to humankind and the trajectory of genocide.

The Samuel DeWitt Proctor Conference and its partners are concerned about the injustices which they have heard and the ongoing inequities surrounding the growth and development that have created the prison industrial complex leading to the mass incarceration of our people. The Samuel DeWitt Proctor Conference prays these inhumane policies and practices are dismantled to bring about true justice. This report is simply the beginning. We hope this work and our efforts will shed light and bring attention to the critical condition in which our nation and her communities find themselves.

*Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.*

**Hebrews 13:3 (NRSV)**

Clearly, today's system of mass incarceration evidences the protracted consequences of racism upon the status of African Americans in the United States. The overwhelmingly disproportionate impact of the War on Drugs and an unjust criminal justice system is undeniable. This report, ***Bearing Witness: A Nation in Chains***, has, in large part, captured the perspective and witness of the African American experience. However, it should be noted that today's system of mass incarceration is likewise disproportionately devastating other people of color, especially Hispanics, who are viewed as a demographic threat to America's ethnic and racial norm and who are thereby entrapped by the biases of a criminal justice system charged with immigration control. And, without question, all poor people— whether Black, Native American, White, Asian or Hispanic— are also victims of this class bias system of justice.

***Bearing Witness: A Nation in Chains*** is a plea to America's consciousness, conscience and soul on behalf of them all.

***The work of those concerned with mass incarceration has only just begun.***

***We must proceed with a strategic fury and fierce urgency!***

*Photo: © Keantian | Dreamstime.com*

# AFTERWORD

The Samuel DeWitt Proctor Conference has delivered a compelling and truthful report about mass incarceration. As a state trial court judge I see the issues chronicled in ***Bearing Witness: A Nation in Chains*** each week. The failed and mis-named "War On Drugs" has disenfranchised Black and Latino people who would otherwise be eligible to vote. Because of mass incarceration, money that should be invested in helping people overcome poverty, mental illness, mis-education, and other root causes of crime is misspent to build, staff, and operate a growing economy dedicated to permanently locking people out of society.

As I read ***Bearing Witness: A Nation in Chains*** I remembered the lesson of the Good Samaritan. Jesus mentioned that a priest and a Levite saw a man who had been robbed, beaten, and left for dead alongside the Jericho Road. Both religious characters did nothing to help the man.

For the most part, religious people have behaved like the priest and Levite in the Good Samaritan lesson concerning the social genocide that is mass incarceration. We have sung, prayed, preached, and otherwise (then) looked the other way while people around us are being hunted, captured, trapped, and held hostage in the mass incarceration web.

Mass incarceration in the United States is neither an accident nor a natural phenomenon. As Professor Michelle Alexander has explained in The New Jim Crow, it is a calculated attack on the hard fought civil rights gains made during the 1960s to provide equality for Black people. Sadly, religious people— who should be the most prophetic voices and activists about justice and freedom— looked the other way.

Therefore, my first hope is that our sense of righteous indignation has been stirred by ***Bearing Witness: A Nation in Chains.*** **I hope we are provoked to holy anger such that a fire ignites within us that cannot be extinguished. Let it not be said that we read *Bearing Witness: A Nation in Chains* and, like the priest and Levite in the Good Samaritan lesson, "passed by on the other side" un-moved.**

Mercy in the truest sense of the gospel of Jesus involves sacrificing oneself to deliver suffering people from oppressive situations. Here are a few ways we can prophetically address mass incarceration.

**Discuss *Bearing Witness: A Nation in Chains* within your faith community.** Share this report with the leaders. Urge religious educators to read it and organize discussion sessions about it. During those sessions encourage people to share their own experiences about how mass incarceration has affected their lives, their families, and the life of your community.

**Develop working relationships with other persons and groups aimed at dismantling the mass incarceration system.** Mass incarceration is a system that targets, labels, and captures people for lifelong under-class status in what Professor Michelle Alexander has accurately described as "the new Jim Crow."

Here are some areas where faithful people can focus our efforts:

- Work with other persons and groups to challenge criminal laws that have disparate racial impact.

- Lobby governors and legislators to refuse overtures from private prison companies to operate jails and prisons.

- Challenge proposals to increase funding for building new prisons and adding more beds to existing prisons.

- Lobby legislators and governors to divert funding from prison construction and expansion and into initiatives that address the systemic causes of poverty, unemployment, educational inequities, and mental illness.

- Monitor how prosecutors and judges approach sentencing, probation, diversion, and permit alternatives to incarceration. Identify the prosecutors and judges whose actions are contributing to the mass incarceration problem. Invite them to your places of worship, social organizations, and other groups and challenge them to change.

- Recruit candidates for prosecutorial and judicial vacancies who will actively work to dismantle the mass incarceration system rather than passively be complicit with it.

- Reclaim our sisters and brothers whose lives have been scarred by the prison-industrial-complex. Help them find treatment for substance abuse, addiction, and mental illness. Help them find housing and work. Help their children.

- Lobby legislators and governors to pass legislation to prevent employment discrimination based on status as a former offender. Employment should be based on ability to perform job duties, not whether one has been incarcerated.

- Agitate for legislation that reinstates the right to vote for formerly convicted persons who have fulfilled their sentences.

**Make your place of worship accessible and welcoming for those who have been swept up in the mass incarceration network, including the partners and children of people who are or have been convicted of criminal offenses.** The places we sing, pray, teach, and preach about "Amazing Grace" should be where people who have been affected by mass incarceration can find affirmation, not condemnation.

**We must become activists to end mass incarceration.** Faithful people must do more than sigh and grieve about mass incarceration. Reject the "get tough on crime" hype. Raise funds and build voting coalitions that support candidates who will defeat politicians that support the prison-industrial-complex. Mass incarceration is publicly funded. We must lead the fight to end the funding for it and invest in policies that offer freedom and equality, not discrimination and despair.

Mass incarceration is sinful. We can end it by working together. The Proctor Conference has given us a good tool. Let's get to work!

***Rev. Hon. Wendell Griffen***

Pastor
New Millennium Church
Little Rock, Arkansas

Circuit Judge
Sixth Judicial District of Arkansas,
Fifth Division

# APPENDICES

Photo: © SDPC

*Pictured: Justice Commission Hearing in progress in Michigan.*

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*"Those who have been swept within the criminal justice system know that the way the system works bears little resemblance to what happens on television or in movies. Full-blown trials of guilt or innocence rarely occur: many people never even meet with an attorney; witnesses are routinely paid and coerced by the government; police regularly stop and search people for no reason whatsoever; penalties for many crimes are so severe that innocent people plead guilty, accepting plea bargains to avoid harsh mandatory sentences; and children as young as fourteen are sent to adult prisons."*[1]

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# APPENDIX - I

## SNAPSHOT: A NATION IN CHAINS

### A WORLD LEADER

- The United States incarcerates 25 % of all prisoners in the world and is only 5% of the world's population.

- There are more than 2.4 million persons incarcerated in U.S. prisons and another 6 million under some form of supervision, control, jail or parole.[2]

- In 2008, incarceration levels had risen to a point where one in 100 American adults was behind bars. One in 31 adults in the United States was either incarcerated or on probation or parole.[3]

- Thirteen percent of the U.S. population is African American but almost 50% of the more than 2 million people in prisons are Black. The phenomenal growth of this nation's jail population "has been accompanied by an "Increasingly disproportionate racial composition, with particularly high rates for African Americans, who now constitute 900,000 (now 1 million) of the total 2.2 million incarcerated population."[4]

- The United States is the world's leader in incarceration with 2.2 million people currently in the nation's prisons or jails— a 500% increase over the last forty years Changes in sentencing law and policy, not changes in crime rates, explain most of this increase. These trends have resulted in prison overcrowding and fiscal burdens on states to accommodate a rapidly expanding penal system, despite increasing evidence that large-scale incarceration is not an effective means of achieving public safety.[5]

- African American males are 6% of the U.S. population and 40% of the incarcerated population. The U.S. Bureau of Justice reports that one in six Black males had been incarcerated as of 2001.[6] Currently, one in three Black men have a lifetime likelihood of imprisonment.[7]

- More than half (54 percent) of incarcerated people are parents of minor children. Two-thirds of these people are incarcerated for non-violent offenses, most of which are drug law violations. One in 9 African American children (11.4 percent), 1 in 28 Hispanic children (3.5 percent) and 1 in 57 white children (1.8 percent) have an incarcerated parent.[8]

- African American youth are nearly five times more likely to be confined as their white peers. Latino and American Indian youth are between two and three times as likely to be confined. The disparities in youth confinement rates reflect a system that treats youth of color, particularly African Americans and Latinos, more punitively than similar white youth.[9]

## WAR ON DRUGS

- The United States imprisons more people than any other nation in the world – largely due to the War on Drugs.[10]

- Rates of drug use and selling are comparable across racial and ethnic lines; Blacks and Latinos are far more likely to be criminalized for drug law violations than whites. African Americans constituted 53.5% of all persons who entered prison because of a drug conviction.[11]

- African Americans comprise 14% of regular drug users in the United States, yet are 37% of those arrested for drug offenses and 56% of those incarcerated for drug crimes. Black people in the United States serve almost as much time in federal prison for a drug offense (58.7 months) as whites serve for a violent crime (61.7 months).[12]

- Blacks use drugs at a rate equal to others; Blacks are 13% of the U.S. population, but are 45% of those in state and federal prisons for drug law violations. African American men are imprisoned on drug charges 20 to 50 times greater than white men.[13]

## PRIVATIZATION AND PROFITEERING

- In 40 years, the U.S. has spent $1 trillion fighting the War on Drugs and arrested 45 million persons, with very little results, other than driving up incarceration rates of certain populations.[14]

- Under the banner of the War on Drugs, in 2010, states spend a combined total of over $3.6 billion enforcing marijuana possession laws.[15]

- Approximately one in fourteen state general fund dollars is spent on corrections, and one in nine is spent on community supervision. Further, one in eight state employees work in corrections, and $52 billion is spent on state corrections.[16]

- The average daily cost nationwide to incarcerate one juvenile offender in 2008 was $241. That translates to an average cost of $66,000 to $88,000 to incarcerate a young person in a juvenile correctional facility for 9 to 12 months in comparison to $16,000 average cost of tuition, fee, room and board at a public university.[17]

- It costs an average of $78.95 per day to keep an inmate locked up, more than 20 times the cost of a day on probation.[18]

- In 2011 the prison industry market totaled $34.4 billion in revenues and represents a growth of 9.1% from 2000 through 2011.[19]

- Though there are numerous companies involved in private prison operations, two of the main companies involved in private prison operations are Corrections Corporation of America (CCA) and Geo Group. In 2009 these two corporations cumulatively realized gross earnings of $2.9 billion[20] and as a close third contender Management and Training Corporation (MTC) had gross revenues of $704 million in 2012.[21]

- A 15-minute interstate telephone call from prison could easily cost a family as much as $17. The cost was partly driven by a "commission"— a legalized kickback— that telephone companies paid to state corrections departments. The F.C.C. recently ruled that rates and fees may not include the "commission" payments that providers pay to prisons. It set a cap for interstate calls: 25 cents a minute for collect calls and 21 cents a minute for prepaid and debit calls. It required the companies to base charges on the actual costs of providing service.[22]

- Many companies benefit from products and services made by prison labor, including: American Cancer Society, American Express, AT&T, Boeing, Dell (Computers), Florida Citrus Industry, Honda (Weastec Corporation), IBM, Jostens's (Graduation caps and gowns), JC Penny, K-Mart, Lockheed Martin Technologies, Lucent Technologies, Macy's, McDonald's, Microsoft, Nike, Nordstrom, Planet Hollywood, Red Cross, Target Stores, Toys "R" Us, U.S. Military (Base Dress Uniforms), and Victoria's Secret.[23]

## WOMEN

- At the end of 2007, 987,427 women were on probation, representing 23 percent of the total probation population.[24]
- Black women are more than two and a half times more likely than white women to be sent to prison, and Latinas are nearly 1.5 times more likely than white women to be imprisoned.[25]
- Between 1977 and 2010, the number of women in state and federal prisons grew by more than 800 percent.[26]
- There are more than 200,000 women in U.S. prisons or jails each year, and roughly 6%, or 12,000 of those women are pregnant at the time they are incarcerated.[27]
- Shackling pregnant women prisoners is a common degrading practice in the U.S.
- The number of women in prison—along with the number of women giving birth in prison—continues to rise each year. Eighteen states including AZ, CA, CO, DE, FL, HI, ID, IL, LA, PA, NM, NV, NY, RI, TX, VT, WA, WV—have laws prohibiting or restricting shackling pregnant prisoners.[28]

## HISPANICS

- As of December 31, 2011, an estimated 1,433,741 sentenced male prisoners were under state and federal jurisdiction and 331,500 (23.1%) were Hispanic.[29]
- Nearly 1 in 3 (35%) persons held in federal prisons is Hispanic.[30]
- 1 in 6 Latino men, and 1 in 45 Latina women, have a lifetime likelihood in prison.[31]

## ELDERLY LIFERS

- Aging appears to accelerate for people who are incarcerated. In 2007 elderly offenders, 45 years or older, made up approximately 15% of the incarcerated, equaling approximately 360,000 prisoners.[32]
- National Institute of Corrections reported in 2004 that the estimated annual cost of incarceration is $60,000 to $70,0000 for each elderly person compared with approximately $27,000 of persons in the general prison population.[33]
- Costs attributed to care for the incarcerated elderly was reported to be $13.7 billion, or 23% of the total cost of incarceration of $65 billion.[34]

## CHILDREN AT RISK

- As many as 2.7 million children (one in every 28) are growing up in U.S. households in which one or more parents are incarcerated.[35]

- In 2012, 31% of children in the U.S. are living in families where no parent has full-time, year-round employment.[36]

## JUVENILE DETENTION

- Across the United States, thousands of children have been sentences as adults and sent to adult prisons. Nearly 3,000 nationwide have been sentenced to life imprisonment without the possibility of parole.[37]

- Children as young as 13 years old have been tried as adults and sentenced to die in prison, typically without any consideration of their age or circumstances of the offense.[38]

## SCHOOL-TO-PRISON PIPELINE

- More U.S. students are being suspended than ever before. In 2006, 3.3 million students were suspended out-of-school at least once and 102,000 were expelled.[39]

- The likelihood of white students being suspended is 1 in 20; 1 in 14 for Latino students; 1 in 13 for Native American students; 1 in 6 for Black students, and 1 in 4 for Black students with special needs.[40]

- Nationwide, 95 percent of out-of-school suspensions are for nonviolent infractions. More than 50 percent of students involved in school-related arrests or referred to law enforcement are Latino or African American.[41]

## DEATH SENTENCING AND DEATH PENALTY

- African Americans comprise 13% of the U.S. population but 42% of the death row population.[42]

- Since the reinstatement of the U.S. death penalty in 1976, where the defendant was Black and victim White, there have been 93% executions, where the defendant was White and victim Black there have been 7% executions for interracial murders.[43]

- There is a clear correlation between states with a high number of death sentences and executions, to states with a history of lynching.[44]

- Examined on a county basis, only 2% of U.S. counties are responsible for the majority of executions and prisoners on death row. [45]

- Texas and Virginia are responsible for 50% of executions carried out in the South.[46]

- The death penalty has not proven to be a deterrent to crime being that majority of states with the death penalty, show murder rates higher than non-death penalty states.[47]

## SOLITARY CONFINEMENT

- Solitary confinement is the practice of isolating a prisoner in a closed cell for 23 to 24 hours a day—often for weeks or months, and sometimes for years or decades at a time. While precise data on nationwide utilization of the practice is elusive, we know that some 20,000 inmates are in solitary confinement in America's Supermax prisons, while tens of thousands more are held in isolation in other prisons and jails.[48]

- There are 2.3 million people in US prisons in conditions that are often inhumane and at worst life threatening. An estimated 80,000 of US prisoners are locked up in solitary confinement, which means in a 6 x 9 cell containing little more than a bunk bed, toilet, sink, shelf, and unmovable stool.[49]

- One third of prisoners in solitary confinement are thought to be mentally ill and half are placed in solitary for nonviolent crimes.[50]

- 81,622 inmates were being held daily in solitary confinement or "restricted housing."[51]

## LAW ENFORCEMENT EMPLOYMENT

- Nationally, 83 percent of police officers are white and 14 percent are African-American, according to the United States Department of Labor.[52]

## RE-ENTRY

- 43.3 percent of those sent home in 2004 were reincarcerated within three years, either for committing a new crime or for violating conditions governing their release.[53]

## DISENFRANCHISEMENT

- Nationally, an estimated 5.8 million Americans are denied the right to vote because of laws that prohibit voting by people with felony convictions. Felony disenfranchisement is an obstacle to participation in democratic life which is exacerbated by racial disparities in the criminal justice system, resulting in 1 of every 13 African Americans unable to vote.[54]

- 75% of disenfranchised voters live in their communities, either under probation or parole supervision or having completed their sentence. An estimated 2.6 million people are disenfranchised in states that restrict rights even after completion of sentence.[55]

- Restoring the vote to persons leaving prison could aid their transition back into community life. The revocation of voting rights compounds the isolation of formerly incarcerated individuals from their communities, and civic participation has been linked with lower recidivism rates.[56]

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# APPENDIX - II

*"These high bonds are in violation of the U.S. Constitution. I went to City Council yesterday and warned them… that same Fourth Amendment that they are talking about… also protects against bonds."*

**- FAYA ROSE TOURE, ATTORNEY**
ALABAMA

## EIGHTH AMENDMENT TO THE U.S. CONSTITUTION

**Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.** The Eighth Amendment forbids the imposition of excessive bails or fines, though it leaves the term "excessive" open to interpretation.

The most frequently litigated clause of the amendment is the last, which forbids cruel and unusual punishment. This clause was only occasionally applied by the Supreme Court prior to the 1970s, generally in cases dealing with means of execution. In *Furman v. Georgia* (1972), some members of the Court found capital punishment itself in violation of the amendment, arguing that the clause could reflect "evolving standards of decency" as public opinion changed; others found certain practices in capital trials to be unacceptably arbitrary, resulting in a majority decision that effectively halted executions in the United States for several years. Executions resumed following *Gregg v. Georgia* (1976), which found capital punishment to be constitutional if the jury was directed by concrete sentencing guidelines. The Court has also found that some poor prison conditions constitute cruel and unusual punishment, as in *Estelle v. Gamble* (1976).

## UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Preamble*

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,
The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

*(Selected Human Rights Articles):*

### Article 5

**No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.**

### Article 7

**All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.**

### Article 9

**No one shall be subjected to arbitrary arrest, detention or exile.**

### Article 11

1. **Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.**

### Article 25

1. **Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.**

### Article 29

2. **In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.**

## BASIC PRINCIPLES FOR THE TREATMENT OF PRISONERS

**Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990**

*(Selected principles):*

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

*The Samuel DeWitt Proctor Conference fully appreciates, and individually acknowledges each member of the nine statewide Justice Commission Hearings. We are deeply moved and grateful to those participants who bravely came forward to bear witness with their testimonies of suffering and human rights violations.*

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*Justice Commission Hearing in progress in Alabama.*

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*Justice Commission Hearing in progress in Georgia.*

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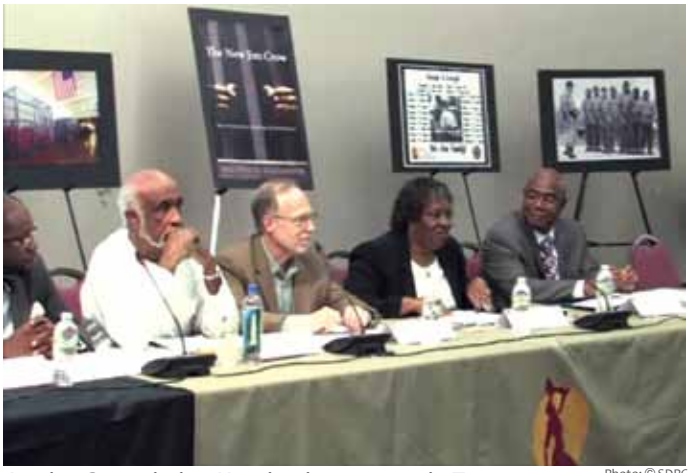

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*Justice Commission Hearing in progress in Texas.*

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*Justice Commission Hearing in progress in Virginia.*

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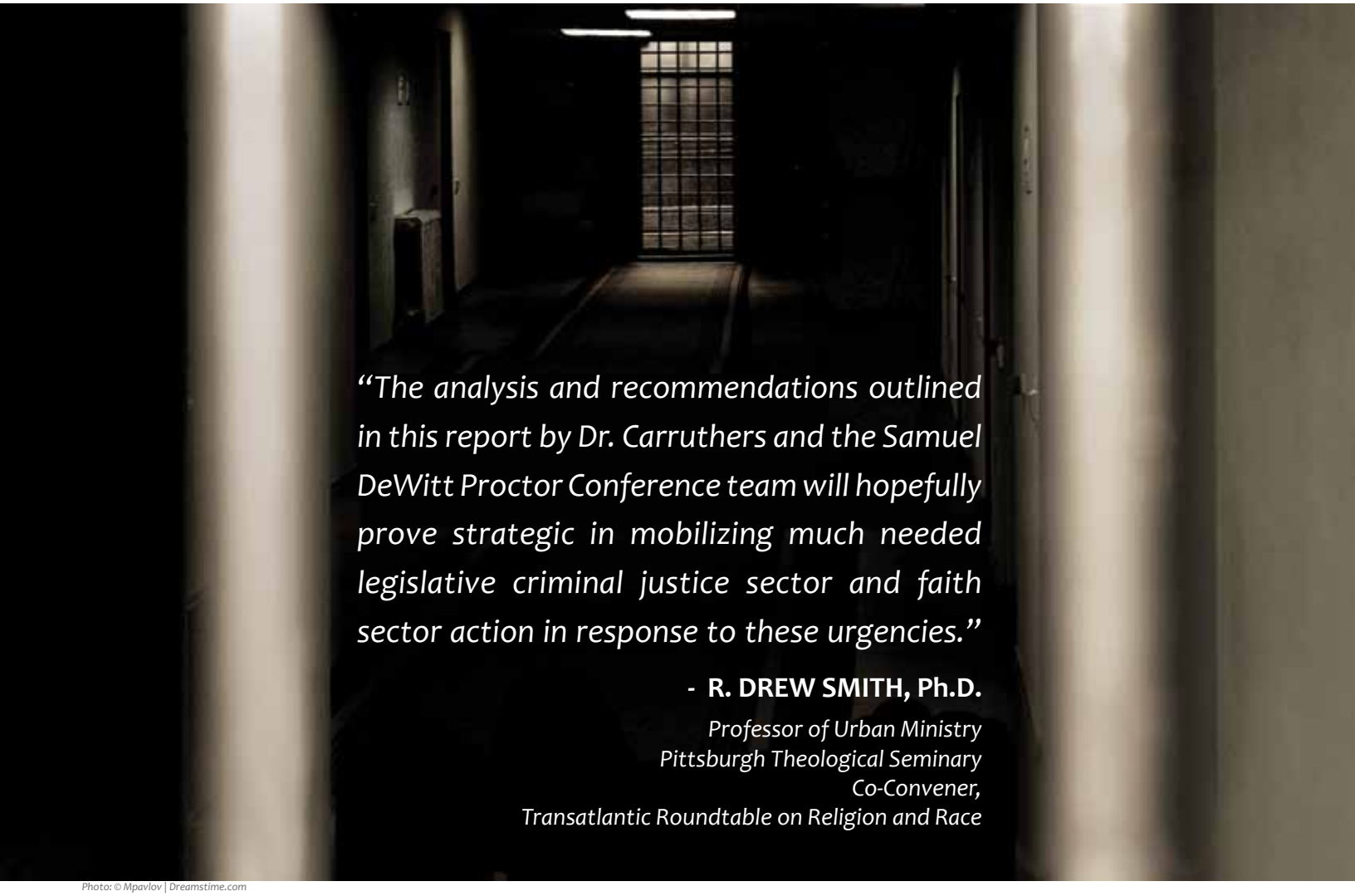

*"The analysis and recommendations outlined in this report by Dr. Carruthers and the Samuel DeWitt Proctor Conference team will hopefully prove strategic in mobilizing much needed legislative criminal justice sector and faith sector action in response to these urgencies."*

**- R. DREW SMITH, Ph.D.**

*Professor of Urban Ministry*
*Pittsburgh Theological Seminary*
*Co-Convener,*
*Transatlantic Roundtable on Religion and Race*

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*"This report goes beyond 'must read' to 'must act!' ...With analysis based on the experience of persons who 'bear witness' through their experience in and with the criminal justice system , this report makes explicit an appeal to the doctrine of human rights explicit in domestic and international institutions, as well as the Church of Jesus Christ."*

**- DR. HAROLD DEAN TRULEAR**

*Associate Professor of Applied Theology, Howard School of Divinity*
*Director of Healing Communities Prison Ministry, Philadelphia, PA*

*"This report captures the existential plight of multitudes languishing in the United States prison system. Reforming the system will require a collective engagement that transcends race, creed, crime."*

**- REV. J. GEORGE M. WALTERS-SLEYON**

*Author, Founder of The Center for Church and Prison*

*"I hope we are provoked to holy anger such that a fire ignites within us that cannot be extinguished. Let it not be said that we read* ***Bearing Witness: A Nation in Chains*** *and, like the priest and Levite in the Good Samaritan lesson, 'passed by on the other side' unmoved."*

**- REV. HON. WENDELL L. GRIFFEN**

*Pastor, New Millennium Church, Little Rock, Arkansas*
*Circuit Judge, Sixth Judicial District of Arkansas - Fifth Division*

"Faithful. Searing. Powerful. Prophetic. The Samuel DeWitt Proctor Conference's report ***Bearing Witness: A Nation in Chains*** is a clarion call to action to dramatically transform the nation's criminal justice system. It fearlessly challenges our social mores and inspires communities of faith and people of goodwill everywhere to commit to restorative justice and to the rehabilitation of lives devastated by a racialized and inhumane system. May our fierce and collective resolve work to dismantle every systemic chain. Thank you SDPC for this courageous and empowering resource."

**ALTON B. POLLARD, III, Ph.D.**
Dean and Professor of Religion & Culture
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"Women are the fastest-growing segment of the prison industrial complex. While men are warehoused in higher numbers, if something doesn't happen to stop mass incarceration, the number of women serving time will be the same as men. ...Slavery continues to be alive and well in these United States."

**SUSAN BURTON**
Executive Director
A New Way of Life Re-Entry Project
2010 Top 10 CNN Hero
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"This devastating indictment of the War on Drugs and Mass Incarceration pulls no punches in either its analysis or its recommendations. Hopefully it will prove a powerful catalyst to reflection and re-action, not just for communities of faith but for also for those who make and enforce the laws of the land."

**ETHAN NADELMANN**
Executive Director
Drug Policy Alliance
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"***Bearing Witness: A Nation in Chains*** is a national story of stories that expose the dehumanizing systems of mass incarceration that take away the humanity of the poor and people of color... It is the prophetic word needed to save the nation from internal ruin and to redeem the soul of America."

**DR. FORREST E. HARRIS**
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"This significant report is the culmination of a tremendous effort of the Samuel DeWitt Proctor Conference. It will greatly contribute to our collective work to mobilize communities and advocate for criminal justice reform."

**BILL MEFFORD**
Director, Civil and Human Rights General Board of Church and Society The United Methodist Church
Chair, Faith in Action Criminal Justice Reform Working Group

"In light of ***Bearing Witness: A Nation in Chains,*** we are compelled to respond with a bold, intentional, ethical and radical assault against mass incarceration by using all viable resources necessary to reduce this advancing annihilation threat against African Americans, people of color, and the poor."

**REV. LEAH GASKIN FITCHUE, Ed.D.**
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"Ever since Michelle Alexander's life-changing work on *The New Jim Crow,* people of faith have been asking, 'What can we do to deconstruct this monster of a new caste system that is legally locking persons out of the citizenry of the United States of America?'

***Bearing Witness: A Nation in Chains*** provides answers to that question. The recommended steps to be taken from the individual level through the congregational level make this study a 'must' for every person of faith— across the entire spectrum of interfaith believers!"

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